

# *Court of Appeals*

## *2004 Annual Caseload*

### *Report*

#### **Table of Contents**

|   |                              |
|---|------------------------------|
| Court of Appeals Highlights   | <a href="#"><u>3 - 4</u></a> |
| Glossary  | <a href="#"><u>5 - 7</u></a> |
| Court Activity, All Divisions, 2004                                       | <a href="#"><u>8</u></a>     |
| Court Activity, Division I 2004   | <a href="#"><u>9</u></a>     |
| Court Activity, Division II, 2004   | <a href="#"><u>10</u></a>    |
| Court Activity, Division III, 2004  | <a href="#"><u>11</u></a>    |
| History of Filings, 1999-2004   | <a href="#"><u>12</u></a>    |
| History of Dispositions, 1999-2004  | <a href="#"><u>13</u></a>    |
| History of Pending Cases, 1999-2004                                       | <a href="#"><u>14</u></a>    |
| History of Activity, All Reviews, All Divisions, 1999-2004                | <a href="#"><u>15</u></a>    |
| History of Activity, All Reviews, Division I, 1999-2004                   | <a href="#"><u>16</u></a>    |
| History of Activity, All Reviews, Division II, 1999-2004                  | <a href="#"><u>17</u></a>    |
| History of Activity, All Reviews, Division III, 1999-2004                 | <a href="#"><u>18</u></a>    |
| Court Activity, All Divisions, Criminal Appeals, 1999-2004                | <a href="#"><u>19</u></a>    |
| Court Activity, All Divisions, Civil Appeals, 1999-2004                   | <a href="#"><u>20</u></a>    |
| Court Activity, All Divisions, Total Appeals, 1999-2004                   | <a href="#"><u>21</u></a>    |
| Court Activity, All Divisions, Personal Restraint Petitions, 1999-2004    | <a href="#"><u>22</u></a>    |
| Court Activity, All Divisions, Notices of Discretionary Review, 1999-2004 | <a href="#"><u>23</u></a>    |

|   |                    |
|---|--------------------|
| Days Between Events for Criminal Appeals PENDING OR DISPOSED OF BY OPINION --75th Percentile, 1999-2004 | <a href="#">24</a> |
| Days Between Events for Civil Appeals PENDING OR DISPOSED OF BY OPINION --75th Percentile, 1999-2004    | <a href="#">25</a> |
| Days Between Events for Total Appeals PENDING OR DISPOSED OF BY OPINION --75th Percentile, 1999-2004    | <a href="#">26</a> |

# Court of Appeals Highlights

## COA DIVISIONS

- Washington's Court of Appeals is made up of three divisions: Division I, located in Seattle and serving northwestern Washington; Division II, located in Tacoma and serving southwestern Washington, and Division III, located in Spokane and serving eastern Washington.

## Filings

- Washington's Court of Appeals received 4,386 new filings in calendar year 2004, remaining comparable to filings received in 2003 (4,381) and 2002 (4,364).
- The new caseload was divided between the divisions as follows: Division I received 42.9% (1,882 cases); Division II received a third (33.5% - 1,468 cases); and approximately a quarter (23.6% - 1,036 cases) went to Division III.
- None of the divisions experienced marked change in caseload, although Division III's 64-case (6.6%) increase over 2003 filings continues that division's incline over the last four years. That increase was offset by Division I's small 75-case (3.8%) decline from their recent high in 2003. Division II remained quite stable, with 16 cases (1.1%) more filed in 2004 than in the prior year.
- Statewide filings in 2004 were comprised of: criminal appeals (34.0%), civil appeals (31.1%), personal restraint petitions (25.0%), and notices of discretionary review (9.9%). While appeals have declined since 2002, personal restraint petitions continued the upward trend evident since 1997-when they made up only 11.0% of statewide filings.

## Resolutions

- Washington's Court of Appeals resolved 4,051 cases in 2004 - a rate virtually the same as the prior year's 4,054 cases, mirroring the stability in filings from 2003 to 2004.
- Judges rendered 1,774 opinions during the year, of which a quarter (24.4%) were published. Rulings and judicial orders terminated review of an additional 2,277 cases.

## Pending

- Statewide pending caseload (3,857 cases) remained stable in 2004, down 1.1% from 2003's 3,900 cases. The 9.6% increase in Division III was offset by 4.9% and 2.9% decreases in Divisions I and II, respectively.
- While pending appeals are down, increases in pending caseload were experienced in personal restraint petitions (up 11.9%) and notices of discretionary review (up 22.8%). Those run parallel to the increases in filings of both of those case types.
- Just over half (52.2%) of statewide pending cases were awaiting parties' briefs. Opinions or orders were in process for 387 (10.0%) cases. Remaining cases pending at year's end were stayed, remanded to trial court, or awaiting hearing by a judicial panel or commissioner.

## Time In Process

- Days for criminal appeals to proceed from filing to opinion remained stable or fell statewide and in each of the divisions. Division II experienced the most notable change, dropping from 617 days in 2003 to 592 days in 2004 (4.0% decline). This marks that Division's fourth straight year of decline since a recent high of 708 days in 2000, and represents a nearly 4-month (116 day, or 16.4%) reduction over that time period.
- Elapsed time from filing to opinion for civil appeals increased only slightly in Divisions I and

III during 2004, and declined by 5.9% in Division II.

- Statewide, 75% of the appeals resolved by opinion in 2004 (both criminal and civil) received opinions within 546 days or less. This marks an all-time low, resulting from the generally downward trend achieved since 1998's high of 663 days.

Note:

*Due to time lag between filing a notice of appeal in trial court and appellate court receipt of the case, current year filings are slightly under-counted (roughly 2 percent). Previous year filings are recalculated annually to include all cases received late. Although this provides more accurate statistical reporting, it may cause current year filing totals to vary in future court reports.*

# Court of Appeals

This glossary is included to assist in understanding the statistical tables.

## Filings

**Notice Of Appeal** - The filing of an appeal of a trial court final judgment that is reviewable as a matter of right. Notices of appeal must be filed within 30 days of the trial court judgment. Unless otherwise prohibited by statute or court rule, a party may appeal from only trial court decisions as specified in Rules of Appellate Procedure (RAP) 2.2. Notices of appeal are categorized into criminal and civil appeals.

**Personal Restraint Petition** - The filing of a review to seek relief from limitations on a person's freedom due to current or imminent confinement, or other restrictions imposed by a criminal or civil trial court decision (RAP 16.4).

**Discretionary Review** - The filing of a review of interlocutory orders of a trial court, made prior to a final determination of the case, concerning whether errors or substantial departure from accepted and usual courses of proceedings occurred in the case. Unless otherwise prohibited by statute or court rule, a party may seek discretionary review of any act of superior court not appealable as a matter of right (RAP 2.3). **Dispositions**

The appellate court may reverse, affirm, or modify the decision being reviewed and take any other action as the merits of the case and the interest of justice may require (RAP 12.2). Each review is counted as being disposed as soon as a decision terminating review is filed with the appellate clerk.

**Opinions** - The statement by the court of the decision reached in regard to a cause argued before it, expounding the law as applied to the case, and detailing the reasons upon which the judgment is based.

**Opinions Published** - The published written opinion terminating the review.

**Opinions Unpublished** - The unpublished written opinion terminating the review.

**Commissioners' Rulings** - Rulings by commissioners which terminate review.

**Motion On The Merits** - Termination of a review due to the granting of a motion on the merits (RAP 18.14).

**Other Rulings** - Other rulings by commissioners, such as rulings on accelerated review of adult sentences or juvenile offender proceedings or granting a motion to dismiss--Anders (RAP 15.2(h)).

**Dismissed** - An order issued by the court dismissing the review prior to the point where case merit is determined. The commissioner or clerk may dismiss a review for failure to comply with procedures. The court, on motion of a party, may dismiss a review for want of prosecution, if the review is frivolous, moot or solely for the purpose of delay, or for failure to comply with procedures (RAP 18.9).

**Transferred/Certified** - The Supreme Court, to promote orderly administration of justice may, on its own initiative or on motion of a party, transfer a case from the Court of Appeals to the Supreme Court ("certified"). A case may be transferred from one division to another within the Court of Appeals (RAP 4.1, 4.2, 4.3, RCW 2.06.030).

**Review Not Accepted** - Reviews may not be accepted if they do not meet the conditions governing

the acceptance of review (RAP 2.2, 2.3, and 16.4).

**Other Terminations** - An order issued by the court terminating the review before an opinion is rendered. An order to terminate a review would result if, for example, a petitioner decided to withdraw the review. **Pending Cases**

**Case Stayed** - Those cases temporarily arrested or removed from judicial processing by order of the court.

**Brief Not Filed** - Those cases within the stages of perfection in which no briefs have yet been filed.

**Appellant Brief Filed** - Those cases within the stages of perfection in which appellant's brief has been filed, but respondent's brief is still awaited.

**Respondent Brief Filed** - Those cases within the stages of perfection in which both appellant's brief and respondent's brief have been filed, but case has yet to be set on the court calendar for review.

**Remanded To Trial Court** - Those cases whose jurisdiction have been temporarily returned to the trial court of origination.

**Set For Motion On The Merits** - Those cases which have progressed to the point at which all briefs were filed and served, and now qualify for setting. Because a motion on the merits has been made, these cases have been set on the Motion On The Merits calendar (RAP 18.14).

**Ruling Referred To Panel** - Cases which were initially assigned to a commissioner, who has ruled that they should be referred to a panel of judges for a decision.

**Set For Oral Argument** - Those cases which have progressed to the point at which all briefs were filed and served and have been set for a review.

**Opinion/Order In Process** - Those cases which have been reviewed by the court but have yet to receive a decision.

## **Mandated**

A review is mandated by the clerk of the Court of Appeals when a written notification, when required, is sent to the trial court and all parties. The notification informs all parties of an appellate court decision terminating the review.

## **Time In Process Statistics --Notice Of Appeals**

**Filing** - The date the appeal is filed in the trial court.

**Statement Of Arrangements** - The date of the first occurrence when the Statement Of Arrangements has either been "Received" or "Filed" in the appellate court.

**Report Of Proceedings** - The date of the first occurrence when the Report Of Proceedings has either been "Filed" or "Received." The latter is recorded when the report is returned from the printer. Note: For statistical purposes "Received" is only employed when "Filed" is omitted.

**Appellant's Brief** - The date of the last occurrence for the Appellant's Brief to either be "Filed" or "Received." The latter is recorded when the report is returned from the printer. Note: For statistical purposes "Received" is only employed when "Filed" is omitted.

**Respondent's Brief** - The date of the last occurrence for the Respondent's Brief to either be "Filed" or

"Received." The latter is recorded when the report is returned from the printer. Note: For statistical purposes "Received" is only employed when "Filed" is omitted.

**Oral Argument** - The date of the first occurrence that the oral argument received a status of "Heard."

**Opinion** - The date of the first occurrence of the opinion being filed.

**Mandate** - A written notification by the clerk of the appellate court to the trial court and to the parties of an appellate court decision terminating review.

Note that the time-in-process tables have been changed in 1997 to reflect the 75th percentile rather than the median number of days between events. The change was made for consistency with national standards.

The Court Of Appeals  
 Court Activity, All Divisions, 2004

|   | -----Appeals----- |       |       | -----Other Reviews----- |                  |       | All<br>Reviews |
|---|-------------------|-------|-------|-------------------------|------------------|-------|----------------|
|   | Criminal          | Civil | Total | Personal<br>Restraint   | Discr.<br>Review | Total |                |
| <b>FILINGS</b>                            |                   |       |       |                         |                  |       |                |
| New Filings                               | 1,490             | 1,365 | 2,855 | 1,076                   | 434              | 1,510 | 4,365          |
| Transfers                                 | 1                 | 0     | 1     | 20                      | 0                | 20    | 21             |
| Total Filings                             | 1,491             | 1,365 | 2,856 | 1,096                   | 434              | 1,530 | 4,386          |
| <b>RESOLUTIONS</b>                        |                   |       |       |                         |                  |       |                |
| Opinions Published                        | 159               | 236   | 395   | 10                      | 27               | 37    | 432            |
| Opinions Unpublished                      | 830               | 463   | 1,293 | 35                      | 14               | 49    | 1,342          |
| Opinions                                  | 989               | 699   | 1,688 | 45                      | 41               | 86    | 1,774          |
| Other Decisions Term. Review <sup>1</sup> | 401               | 641   | 1,042 | 926                     | 309              | 1,235 | 2,277          |
| Total Resolved                            | 1,390             | 1,340 | 2,730 | 971                     | 350              | 1,321 | 4,051          |
| <b>PENDING AT YEAR END<sup>1</sup></b>    |                   |       |       |                         |                  |       |                |
| Cases Stayed                              | 47                | 51    | 98    | 125                     | 21               | 146   | 244            |
| Brief Not Filed                           | 714               | 509   | 1,223 | 279                     | 115              | 394   | 1,617          |
| Appellant Brief Filed                     | 258               | 119   | 377   | 13                      | 8                | 21    | 398            |
| Respondent Brief Filed                    | 346               | 263   | 609   | 175                     | 22               | 197   | 806            |
| Remanded to Trial Court                   | 8                 | 3     | 11    | 1                       | 1                | 2     | 13             |
| Set for Commissioners' Calendar           | 60                | 63    | 123   | 4                       | 32               | 36    | 159            |
| Set for Oral Argument <sup>2</sup>        | 107               | 112   | 219   | 3                       | 7                | 10    | 229            |
| Total Awaiting Hearing                    | 1,543             | 1,120 | 2,663 | 601                     | 206              | 807   | 3,470          |
| Opinion/Order in Process                  | 183               | 174   | 357   | 10                      | 20               | 30    | 387            |
| Total Pending Decision                    | 1,726             | 1,294 | 3,020 | 611                     | 226              | 837   | 3,857          |
| <b>MANDATED</b>                           |                   |       |       |                         |                  |       |                |
| Opinions                                  | 965               | 689   | 1,654 | 37                      | 49               | 86    | 1,740          |
| Other <sup>3</sup>                        | 510               | 731   | 1,241 | 893                     | 336              | 1,229 | 2,470          |
| Total Mandated                            | 1,475             | 1,420 | 2,895 | 930                     | 385              | 1,315 | 4,210          |

<sup>1</sup> As a result of the recent transition to the new Appellate Court Records and Data System(ACORDS-II), measurement of resolution types and the various stages of pending caseload are not comparable to measurements for prior years. Extreme caution should be used in interpreting 2003 and future activity relative to that shown for prior years. In addition, it is not currently possible to distinguish types of 'other decisions terminating review'.

<sup>2</sup> Set for Oral Argument counts are influenced by procedural differences among divisions in setting cases. Division III, due to hearings in multiple locations, often delays the setting of cases until there are sufficient numbers to warrant travel, but cases are usually set only six weeks out.

<sup>3</sup> Includes Commissioners' Rulings and other resolution types.

The Court Of Appeals  
Court Activity, Division I, 2004

|   | -----Appeals----- |       |       | -----Other Reviews----- |                  |       | All<br>Reviews |
|---|-------------------|-------|-------|-------------------------|------------------|-------|----------------|
|   | Criminal          | Civil | Total | Personal<br>Restraint   | Discr.<br>Review | Total |                |
| <b>FILINGS</b>                            |                   |       |       |                         |                  |       |                |
| New Filings                               | 540               | 675   | 1,215 | 441                     | 208              | 649   | 1,864          |
| Transfers                                 | 1                 | 0     | 1     | 17                      | 0                | 17    | 18             |
| Total Filings                             | 541               | 675   | 1,216 | 458                     | 208              | 666   | 1,882          |
| <b>RESOLUTIONS</b>                        |                   |       |       |                         |                  |       |                |
| Opinions Published                        | 57                | 97    | 154   | 6                       | 12               | 18    | 172            |
| Opinions Unpublished                      | 365               | 263   | 628   | 10                      | 6                | 16    | 644            |
| Opinions                                  | 422               | 360   | 782   | 16                      | 18               | 34    | 816            |
| Other Decisions Term. Review <sup>1</sup> | 94                | 288   | 382   | 392                     | 146              | 538   | 920            |
| Total Resolved                            | 516               | 648   | 1,164 | 408                     | 164              | 572   | 1,736          |
| <b>PENDING AT YEAR END<sup>1</sup></b>    |                   |       |       |                         |                  |       |                |
| Cases Stayed                              | 23                | 27    | 50    | 95                      | 8                | 103   | 153            |
| Brief Not Filed                           | 273               | 279   | 552   | 100                     | 64               | 164   | 716            |
| Appellant Brief Filed                     | 105               | 53    | 158   | 1                       | 2                | 3     | 161            |
| Respondent Brief Filed                    | 127               | 133   | 260   | 69                      | 6                | 75    | 335            |
| Remanded to Trial Court                   | 1                 | 0     | 1     | 0                       | 0                | 0     | 1              |
| Set for Commissioners' Calendar           | 0                 | 0     | 0     | 0                       | 4                | 4     | 4              |
| Set for Oral Argument <sup>2</sup>        | 34                | 60    | 94    | 2                       | 3                | 5     | 99             |
| Total Awaiting Hearing                    | 566               | 552   | 1,118 | 268                     | 87               | 355   | 1,473          |
| Opinion/Order in Process                  | 43                | 73    | 116   | 7                       | 10               | 17    | 133            |
| Total Pending Decision                    | 609               | 625   | 1,234 | 275                     | 97               | 372   | 1,606          |
| <b>MANDATED</b>                           |                   |       |       |                         |                  |       |                |
| Opinions                                  | 413               | 327   | 740   | 15                      | 25               | 40    | 780            |
| Other <sup>3</sup>                        | 136               | 356   | 492   | 370                     | 187              | 557   | 1,049          |
| Total Mandated                            | 549               | 683   | 1,232 | 385                     | 212              | 597   | 1,829          |

<sup>1</sup> As a result of the recent transition to the new Appellate Court Records and Data System(ACORDS-II), measurement of resolution types and the various stages of pending caseload are not comparable to measurements for prior years. Extreme caution should be used in interpreting 2003 and future activity relative to that shown for prior years. In addition, it is not currently possible to distinguish types of 'other decisions terminating review'.

<sup>2</sup> Set for Oral Argument counts are influenced by procedural differences among divisions in setting cases. Division III, due to hearings in multiple locations, often delays the setting of cases until there are sufficient numbers to warrant travel, but cases are usually set only six weeks out.

<sup>3</sup> Includes Commissioners' Rulings and other resolution types.

The Court Of Appeals  
Court Activity, Division II, 2004

|   | -----Appeals----- |       |       | -----Other Reviews----- |                  |       | All<br>Reviews |
|---|-------------------|-------|-------|-------------------------|------------------|-------|----------------|
|   | Criminal          | Civil | Total | Personal<br>Restraint   | Discr.<br>Review | Total |                |
| <b>FILINGS</b>                            |                   |       |       |                         |                  |       |                |
| New Filings                               | 553               | 405   | 958   | 409                     | 101              | 510   | 1,468          |
| Transfers                                 | 0                 | 0     | 0     | 0                       | 0                | 0     | 0              |
| Total Filings                             | 553               | 405   | 958   | 409                     | 101              | 510   | 1,468          |
| <b>RESOLUTIONS</b>                        |                   |       |       |                         |                  |       |                |
| Opinions Published                        | 51                | 74    | 125   | 2                       | 3                | 5     | 130            |
| Opinions Unpublished                      | 286               | 134   | 420   | 1                       | 2                | 3     | 423            |
| Opinions                                  | 337               | 208   | 545   | 3                       | 5                | 8     | 553            |
| Other Decisions Term. Review <sup>1</sup> | 186               | 193   | 379   | 366                     | 79               | 445   | 824            |
| Total Resolved                            | 523               | 401   | 924   | 369                     | 84               | 453   | 1,377          |
| <b>PENDING AT YEAR END<sup>1</sup></b>    |                   |       |       |                         |                  |       |                |
| Cases Stayed                              | 4                 | 9     | 13    | 3                       | 3                | 6     | 19             |
| Brief Not Filed                           | 262               | 155   | 417   | 129                     | 30               | 159   | 576            |
| Appellant Brief Filed                     | 97                | 38    | 135   | 12                      | 6                | 18    | 153            |
| Respondent Brief Filed                    | 168               | 84    | 252   | 79                      | 6                | 85    | 337            |
| Remanded to Trial Court                   | 2                 | 2     | 4     | 1                       | 1                | 2     | 6              |
| Set for Commissioners' Calendar           | 18                | 8     | 26    | 4                       | 0                | 4     | 30             |
| Set for Oral Argument <sup>2</sup>        | 41                | 27    | 68    | 0                       | 0                | 0     | 68             |
| Total Awaiting Hearing                    | 592               | 323   | 915   | 228                     | 46               | 274   | 1,189          |
| Opinion/Order in Process                  | 84                | 65    | 149   | 3                       | 6                | 9     | 158            |
| Total Pending Decision                    | 676               | 388   | 1,064 | 231                     | 52               | 283   | 1,347          |
| <b>MANDATED</b>                           |                   |       |       |                         |                  |       |                |
| Opinions                                  | 341               | 221   | 562   | 4                       | 5                | 9     | 571            |
| Other <sup>3</sup>                        | 240               | 231   | 471   | 362                     | 84               | 446   | 917            |
| Total Mandated                            | 581               | 452   | 1,033 | 366                     | 89               | 455   | 1,488          |

<sup>1</sup> As a result of the recent transition to the new Appellate Court Records and Data System(ACORDS-II), measurement of resolution types and the various stages of pending caseload are not comparable to measurements for prior years. Extreme caution should be used in interpreting 2003 and future activity relative to that shown for prior years. In addition, it is not currently possible to distinguish types of 'other decisions terminating review'.

<sup>2</sup> Set for Oral Argument counts are influenced by procedural differences among divisions in setting cases. Division III, due to hearings in multiple locations, often delays the setting of cases until there are sufficient numbers to warrant travel, but cases are usually set only six weeks out.

<sup>3</sup> Includes Commissioners' Rulings and other resolution types.

The Court Of Appeals  
Court Activity, Division III, 2004

|   | -----Appeals----- |       |       | -----Other Reviews----- |                  |       | All<br>Reviews |
|---|-------------------|-------|-------|-------------------------|------------------|-------|----------------|
|   | Criminal          | Civil | Total | Personal<br>Restraint   | Discr.<br>Review | Total |                |
| <b>FILINGS</b>                            |                   |       |       |                         |                  |       |                |
| New Filings                               | 397               | 285   | 682   | 226                     | 125              | 351   | 1,033          |
| Transfers                                 | 0                 | 0     | 0     | 3                       | 0                | 3     | 3              |
| Total Filings                             | 397               | 285   | 682   | 229                     | 125              | 354   | 1,036          |
| <b>RESOLUTIONS</b>                        |                   |       |       |                         |                  |       |                |
| Opinions Published                        | 51                | 65    | 116   | 2                       | 12               | 14    | 130            |
| Opinions Unpublished                      | 179               | 66    | 245   | 24                      | 6                | 30    | 275            |
| Opinions                                  | 230               | 131   | 361   | 26                      | 18               | 44    | 405            |
| Other Decisions Term. Review <sup>1</sup> | 121               | 160   | 281   | 168                     | 84               | 252   | 533            |
| Total Resolved                            | 351               | 291   | 642   | 194                     | 102              | 296   | 938            |
| <b>PENDING AT YEAR END<sup>1</sup></b>    |                   |       |       |                         |                  |       |                |
| Cases Stayed                              | 20                | 15    | 35    | 27                      | 10               | 37    | 72             |
| Brief Not Filed                           | 179               | 75    | 254   | 50                      | 21               | 71    | 325            |
| Appellant Brief Filed                     | 56                | 28    | 84    | 0                       | 0                | 0     | 84             |
| Respondent Brief Filed                    | 51                | 46    | 97    | 27                      | 10               | 37    | 134            |
| Remanded to Trial Court                   | 5                 | 1     | 6     | 0                       | 0                | 0     | 6              |
| Set for Commissioners' Calendar           | 42                | 55    | 97    | 0                       | 28               | 28    | 125            |
| Set for Oral Argument <sup>2</sup>        | 32                | 25    | 57    | 1                       | 4                | 5     | 62             |
| Total Awaiting Hearing                    | 385               | 245   | 630   | 105                     | 73               | 178   | 808            |
| Opinion/Order in Process                  | 56                | 36    | 92    | 0                       | 4                | 4     | 96             |
| Total Pending Decision                    | 441               | 281   | 722   | 105                     | 77               | 182   | 904            |
| <b>MANDATED</b>                           |                   |       |       |                         |                  |       |                |
| Opinions                                  | 211               | 141   | 352   | 18                      | 19               | 37    | 389            |
| Other <sup>3</sup>                        | 134               | 144   | 278   | 161                     | 65               | 226   | 504            |
| Total Mandated                            | 345               | 285   | 630   | 179                     | 84               | 263   | 893            |

<sup>1</sup> As a result of the recent transition to the new Appellate Court Records and Data System(ACORDS-II), measurement of resolution types and the various stages of pending caseload are not comparable to measurements for prior years. Extreme caution should be used in interpreting 2003 and future activity relative to that shown for prior years. In addition, it is not currently possible to distinguish types of 'other decisions terminating review'.

<sup>2</sup> Set for Oral Argument counts are influenced by procedural differences among divisions in setting cases. Division III, due to hearings in multiple locations, often delays the setting of cases until there are sufficient numbers to warrant travel, but cases are usually set only six weeks out.

<sup>3</sup> Includes Commissioners' Rulings and other resolution types.

The Court of Appeals  
History of Filings, 2000-2004

|                                 | 2000  | 2001  | % Chg  | 2002  | % Chg  | 2003  | % Chg  | 2004  | % Chg |
|---------------------------------|-------|-------|--------|-------|--------|-------|--------|-------|-------|
| <b>DIVISION I</b>               |       |       |        |       |        |       |        |       |       |
| Criminal Appeals                | 705   | 627   | -11.1% | 672   | 7.2%   | 587   | -12.6% | 541   | -7.8% |
| Civil Appeals                   | 785   | 645   | -17.8% | 663   | 2.8%   | 741   | 11.8%  | 675   | -8.9% |
| Total Appeals                   | 1,490 | 1,272 | -14.6% | 1,335 | 5.0%   | 1,328 | -0.5%  | 1,216 | -8.4% |
| Personal Restraint Petitions    | 355   | 361   | 1.7%   | 340   | -5.8%  | 428   | 25.9%  | 458   | 7.0%  |
| Notices of Discretionary Review | 159   | 227   | 42.8%  | 195   | -14.1% | 201   | 3.1%   | 208   | 3.5%  |
| Total Filings, Division I       | 2,004 | 1,860 | -7.2%  | 1,870 | 0.5%   | 1,957 | 4.7%   | 1,882 | -3.8% |
| <b>DIVISION II</b>              |       |       |        |       |        |       |        |       |       |
| Criminal Appeals                | 547   | 588   | 7.5%   | 654   | 11.2%  | 553   | -15.4% | 553   | 0.0%  |
| Civil Appeals                   | 446   | 438   | -1.8%  | 489   | 11.6%  | 433   | -11.5% | 405   | -6.5% |
| Total Appeals                   | 993   | 1,026 | 3.3%   | 1,143 | 11.4%  | 986   | -13.7% | 958   | -2.8% |
| Personal Restraint Petitions    | 241   | 276   | 14.5%  | 309   | 12.0%  | 364   | 17.8%  | 409   | 12.4% |
| Notices of Discretionary Review | 140   | 125   | -10.7% | 113   | -9.6%  | 102   | -9.7%  | 101   | -1.0% |
| Total Filings, Division II      | 1,374 | 1,427 | 3.9%   | 1,565 | 9.7%   | 1,452 | -7.2%  | 1,468 | 1.1%  |
| <b>DIVISION III</b>             |       |       |        |       |        |       |        |       |       |
| Criminal Appeals                | 278   | 355   | 27.7%  | 375   | 5.6%   | 358   | -4.5%  | 397   | 10.9% |
| Civil Appeals                   | 329   | 325   | -1.2%  | 311   | -4.3%  | 314   | 1.0%   | 285   | -9.2% |
| Total Appeals                   | 607   | 680   | 12.0%  | 686   | 0.9%   | 672   | -2.0%  | 682   | 1.5%  |
| Personal Restraint Petitions    | 120   | 155   | 29.2%  | 152   | -1.9%  | 214   | 40.8%  | 229   | 7.0%  |
| Notices of Discretionary Review | 93    | 96    | 3.2%   | 91    | -5.2%  | 86    | -5.5%  | 125   | 45.3% |
| Total Filings, Division III     | 820   | 931   | 13.5%  | 929   | -0.2%  | 972   | 4.6%   | 1,036 | 6.6%  |
| <b>COURT OF APPEALS, TOTAL</b>  |       |       |        |       |        |       |        |       |       |
| Criminal Appeals                | 1,530 | 1,570 | 2.6%   | 1,701 | 8.3%   | 1,498 | -11.9% | 1,491 | -0.5% |
| Civil Appeals                   | 1,560 | 1,408 | -9.7%  | 1,463 | 3.9%   | 1,488 | 1.7%   | 1,365 | -8.3% |
| Total Appeals                   | 3,090 | 2,978 | -3.6%  | 3,164 | 6.2%   | 2,986 | -5.6%  | 2,856 | -4.4% |
| Personal Restraint Petitions    | 716   | 792   | 10.6%  | 801   | 1.1%   | 1,006 | 25.6%  | 1,096 | 8.9%  |
| Notices of Discretionary Review | 392   | 448   | 14.3%  | 399   | -10.9% | 389   | -2.5%  | 434   | 11.6% |
| Total Filings, Court of Appeals | 4,198 | 4,218 | 0.5%   | 4,364 | 3.5%   | 4,381 | 0.4%   | 4,386 | 0.1%  |

The Court of Appeals  
History of Resolutions, 2000-2004

|                                     | 2000  | 2001  | % Chg  | 2002  | % Chg  | 2003  | % Chg  | 2004  | % Chg  |
|-------------------------------------|-------|-------|--------|-------|--------|-------|--------|-------|--------|
| <b>DIVISION I</b>                   |       |       |        |       |        |       |        |       |        |
| Criminal Appeals                    | 765   | 669   | -12.5% | 745   | 11.4%  | 625   | -16.1% | 516   | -17.4% |
| Civil Appeals                       | 717   | 790   | 10.2%  | 669   | -15.3% | 557   | -16.7% | 648   | 16.3%  |
| Total Appeals                       | 1,482 | 1,459 | -1.6%  | 1,414 | -3.1%  | 1,182 | -16.4% | 1,164 | -1.5%  |
| Personal Restraint Petitions        | 360   | 337   | -6.4%  | 343   | 1.8%   | 333   | -2.9%  | 408   | 22.5%  |
| Notices of Discretionary Review     | 159   | 202   | 27.0%  | 198   | -2.0%  | 174   | -12.1% | 164   | -5.7%  |
| Total Resolutions, Division I       | 2,001 | 1,998 | -0.1%  | 1,955 | -2.2%  | 1,689 | -13.6% | 1,736 | 2.8%   |
| <b>DIVISION II</b>                  |       |       |        |       |        |       |        |       |        |
| Criminal Appeals                    | 539   | 582   | 8.0%   | 595   | 2.2%   | 623   | 4.7%   | 523   | -16.1% |
| Civil Appeals                       | 434   | 438   | 0.9%   | 458   | 4.6%   | 405   | -11.6% | 401   | -1.0%  |
| Total Appeals                       | 973   | 1,020 | 4.8%   | 1,053 | 3.2%   | 1,028 | -2.4%  | 924   | -10.1% |
| Personal Restraint Petitions        | 257   | 233   | -9.3%  | 230   | -1.3%  | 321   | 39.6%  | 369   | 15.0%  |
| Notices of Discretionary Review     | 104   | 143   | 37.5%  | 122   | -14.7% | 104   | -14.8% | 84    | -19.2% |
| Total Resolutions, Division II      | 1,334 | 1,396 | 4.6%   | 1,405 | 0.6%   | 1,453 | 3.4%   | 1,377 | -5.2%  |
| <b>DIVISION III</b>                 |       |       |        |       |        |       |        |       |        |
| Criminal Appeals                    | 355   | 324   | -8.7%  | 348   | 7.4%   | 340   | -2.3%  | 351   | 3.2%   |
| Civil Appeals                       | 324   | 341   | 5.2%   | 328   | -3.8%  | 298   | -9.1%  | 291   | -2.3%  |
| Total Appeals                       | 679   | 665   | -2.1%  | 676   | 1.7%   | 638   | -5.6%  | 642   | 0.6%   |
| Personal Restraint Petitions        | 131   | 142   | 8.4%   | 154   | 8.5%   | 200   | 29.9%  | 194   | -3.0%  |
| Notices of Discretionary Review     | 83    | 115   | 38.6%  | 90    | -21.7% | 74    | -17.8% | 102   | 37.8%  |
| Total Resolutions, Division III     | 893   | 922   | 3.2%   | 920   | -0.2%  | 912   | -0.9%  | 938   | 2.9%   |
| <b>COURT OF APPEALS, TOTAL</b>      |       |       |        |       |        |       |        |       |        |
| Criminal Appeals                    | 1,659 | 1,575 | -5.1%  | 1,688 | 7.2%   | 1,588 | -5.9%  | 1,390 | -12.5% |
| Civil Appeals                       | 1,475 | 1,569 | 6.4%   | 1,455 | -7.3%  | 1,260 | -13.4% | 1,340 | 6.3%   |
| Total Appeals                       | 3,134 | 3,144 | 0.3%   | 3,143 | 0.0%   | 2,848 | -9.4%  | 2,730 | -4.1%  |
| Personal Restraint Petitions        | 748   | 712   | -4.8%  | 727   | 2.1%   | 854   | 17.5%  | 971   | 13.7%  |
| Notices of Discretionary Review     | 346   | 460   | 32.9%  | 410   | -10.9% | 352   | -14.1% | 350   | -0.6%  |
| Total Resolutions, Court of Appeals | 4,228 | 4,316 | 2.1%   | 4,280 | -0.8%  | 4,054 | -5.3%  | 4,051 | -0.1%  |

The Court of Appeals  
History of Pending Cases, 2000-2004

|                                 | 2000  | 2001  | % Chg  | 2002  | % Chg  | 2003  | % Chg  | 2004  | % Chg  |
|---------------------------------|-------|-------|--------|-------|--------|-------|--------|-------|--------|
| <b>DIVISION I</b>               |       |       |        |       |        |       |        |       |        |
| Criminal Appeals                | 872   | 826   | -5.3%  | 728   | -11.9% | 648   | -11.0% | 609   | -6.0%  |
| Civil Appeals                   | 746   | 588   | -21.2% | 576   | -2.0%  | 688   | 19.4%  | 625   | -9.2%  |
| Total Appeals                   | 1,618 | 1,414 | -12.6% | 1,304 | -7.8%  | 1,336 | 2.5%   | 1,234 | -7.6%  |
| Personal Restraint Petitions    | 163   | 186   | 14.1%  | 173   | -7.0%  | 256   | 48.0%  | 275   | 7.4%   |
| Notices of Discretionary Review | 79    | 108   | 36.7%  | 103   | -4.6%  | 96    | -6.8%  | 97    | 1.0%   |
| Total Pending, Division I       | 1,860 | 1,708 | -8.2%  | 1,580 | -7.5%  | 1,688 | 6.8%   | 1,606 | -4.9%  |
| <b>DIVISION II</b>              |       |       |        |       |        |       |        |       |        |
| Criminal Appeals                | 769   | 779   | 1.3%   | 786   | 0.9%   | 700   | -10.9% | 676   | -3.4%  |
| Civil Appeals                   | 447   | 444   | -0.7%  | 398   | -10.4% | 439   | 10.3%  | 388   | -11.6% |
| Total Appeals                   | 1,216 | 1,223 | 0.6%   | 1,184 | -3.2%  | 1,139 | -3.8%  | 1,064 | -6.6%  |
| Personal Restraint Petitions    | 74    | 125   | 68.9%  | 141   | 12.8%  | 209   | 48.2%  | 231   | 10.5%  |
| Notices of Discretionary Review | 91    | 71    | -22.0% | 46    | -35.2% | 39    | -15.2% | 52    | 33.3%  |
| Total Pending, Division II      | 1,381 | 1,419 | 2.8%   | 1,371 | -3.4%  | 1,387 | 1.2%   | 1,347 | -2.9%  |
| <b>DIVISION III</b>             |       |       |        |       |        |       |        |       |        |
| Criminal Appeals                | 348   | 378   | 8.6%   | 396   | 4.8%   | 406   | 2.5%   | 441   | 8.6%   |
| Civil Appeals                   | 327   | 314   | -4.0%  | 297   | -5.4%  | 289   | -2.7%  | 281   | -2.8%  |
| Total Appeals                   | 675   | 692   | 2.5%   | 693   | 0.1%   | 695   | 0.3%   | 722   | 3.9%   |
| Personal Restraint Petitions    | 61    | 70    | 14.8%  | 73    | 4.3%   | 81    | 11.0%  | 105   | 29.6%  |
| Notices of Discretionary Review | 64    | 42    | -34.4% | 38    | -9.5%  | 49    | 28.9%  | 77    | 57.1%  |
| Total Pending, Division III     | 800   | 804   | 0.5%   | 804   | 0.0%   | 825   | 2.6%   | 904   | 9.6%   |
| <b>COURT OF APPEALS, TOTAL</b>  |       |       |        |       |        |       |        |       |        |
| Criminal Appeals                | 1,989 | 1,983 | -0.3%  | 1,910 | -3.7%  | 1,754 | -8.2%  | 1,726 | -1.6%  |
| Civil Appeals                   | 1,520 | 1,346 | -11.4% | 1,271 | -5.6%  | 1,416 | 11.4%  | 1,294 | -8.6%  |
| Total Appeals                   | 3,509 | 3,329 | -5.1%  | 3,181 | -4.4%  | 3,170 | -0.3%  | 3,020 | -4.7%  |
| Personal Restraint Petitions    | 298   | 381   | 27.9%  | 387   | 1.6%   | 546   | 41.1%  | 611   | 11.9%  |
| Notices of Discretionary Review | 234   | 221   | -5.6%  | 187   | -15.4% | 184   | -1.6%  | 226   | 22.8%  |
| Total Pending, Court of Appeals | 4,041 | 3,931 | -2.7%  | 3,755 | -4.5%  | 3,900 | 3.9%   | 3,857 | -1.1%  |

The Court of Appeals  
History of Activity, All Reviews, All Divisions, 2000-2004

|   | 2000  | 2001  | % Chg <sup>5</sup> | 2002  | % Chg <sup>5</sup> | 2003  | % Chg <sup>5</sup> | 2004  | % Chg <sup>5</sup> |
|---|-------|-------|--------------------|-------|--------------------|-------|--------------------|-------|--------------------|
| <b>FILINGS</b>                            |       |       |                    |       |                    |       |                    |       |                    |
| New Filings                               | 4,120 | 4,111 | -0.2%              | 4,235 | 3.0%               | 4,323 | 2.1%               | 4,365 | 1.0%               |
| Transfers                                 | 78    | 107   | 37.2%              | 129   | 20.6%              | 58    | -55.0%             | 21    | . %                |
| Total Filings                             | 4,198 | 4,218 | 0.5%               | 4,364 | 3.5%               | 4,381 | 0.4%               | 4,386 | 0.1%               |
| <b>RESOLUTIONS</b>                        |       |       |                    |       |                    |       |                    |       |                    |
| Opinions Published                        | 466   | 531   | 13.9%              | 441   | -16.9%             | 374   | -15.2%             | 432   | 15.5%              |
| Opinions Unpublished                      | 1,402 | 1,430 | 2.0%               | 1,395 | -2.4%              | 1,461 | 4.7%               | 1,342 | -8.1%              |
| Opinions                                  | 1,868 | 1,961 | 5.0%               | 1,836 | -6.4%              | 1,835 | -0.1%              | 1,774 | -3.3%              |
| Motion on the Merits *                    | 543   | 437   | -19.5%             | 477   | 9.2%               | N/A   | . %                | N/A   | . %                |
| Other Rulings *                           | 100   | 115   | 15.0%              | 69    | -40.0%             | N/A   | . %                | N/A   | . %                |
| Commissioners' Rulings *                  | 643   | 552   | -14.2%             | 546   | -1.1%              | N/A   | . %                | N/A   | . %                |
| Dismissed *                               | 1,459 | 1,473 | 1.0%               | 1,575 | 6.9%               | N/A   | . %                | N/A   | . %                |
| Transferred/Certified * <sup>1</sup>      | 15    | 20    | . %                | 11    | . %                | N/A   | . %                | N/A   | . %                |
| Review Not Accepted *                     | 211   | 283   | 34.1%              | 261   | -7.8%              | N/A   | . %                | N/A   | . %                |
| Other Terminations *                      | 32    | 27    | . %                | 51    | . %                | N/A   | . %                | N/A   | . %                |
| Other Decisions Term. Review <sup>2</sup> | 2,360 | 2,355 | -0.2%              | 2,444 | 3.8%               | 2,219 | -9.2%              | 2,277 | 2.6%               |
| Total Resolved                            | 4,228 | 4,316 | 2.1%               | 4,280 | -0.8%              | 4,054 | -5.3%              | 4,051 | -0.1%              |
| <b>PENDING AT YEAR END<sup>2</sup></b>    |       |       |                    |       |                    |       |                    |       |                    |
| Cases Stayed                              | 177   | 233   | 31.6%              | 220   | -5.6%              | 252   | 14.5%              | 244   | -3.2%              |
| Brief Not Filed                           | 1,938 | 1,915 | -1.2%              | 1,756 | -8.3%              | 1,574 | -10.4%             | 1,617 | 2.7%               |
| Appellant Brief Filed                     | 525   | 539   | 2.7%               | 509   | -5.6%              | 350   | -31.2%             | 398   | 13.7%              |
| Respondent Brief Filed                    | 880   | 790   | -10.2%             | 716   | -9.4%              | 1,025 | 43.2%              | 806   | -21.4%             |
| Remanded to Trial Court                   | 12    | 10    | . %                | 22    | . %                | 5     | . %                | 13    | . %                |
| Set for Commissioners' Calendar           | 31    | 28    | . %                | 16    | . %                | 178   | . %                | 159   | -10.7%             |
| Ruling Refer to Panel *                   | 35    | 19    | . %                | 35    | . %                | N/A   | . %                | N/A   | . %                |
| Set for Oral Argument <sup>3</sup>        | 175   | 171   | -2.3%              | 148   | -13.5%             | 198   | 33.8%              | 229   | 15.7%              |
| Total Awaiting Hearing                    | 3,773 | 3,705 | -1.8%              | 3,422 | -7.6%              | 3,582 | 4.7%               | 3,470 | -3.1%              |
| Opinion/Order in Process                  | 268   | 226   | -15.7%             | 333   | 47.3%              | 318   | -4.5%              | 387   | 21.7%              |
| Total Pending Decision                    | 4,041 | 3,931 | -2.7%              | 3,755 | -4.5%              | 3,900 | 3.9%               | 3,857 | -1.1%              |
| <b>MANDATED</b>                           |       |       |                    |       |                    |       |                    |       |                    |
| Opinions                                  | 2,075 | 1,705 | -17.8%             | 1,974 | 15.8%              | 1,821 | -7.8%              | 1,740 | -4.4%              |
| Other <sup>4</sup>                        | 2,152 | 2,310 | 7.3%               | 2,695 | 16.7%              | 2,507 | -7.0%              | 2,470 | -1.5%              |
| Total Mandated                            | 4,227 | 4,015 | -5.0%              | 4,669 | 16.3%              | 4,328 | -7.3%              | 4,210 | -2.7%              |

\* Figures for these categories are reported only for years prior to 2003.

<sup>1</sup> Includes both matters transferred to other divisions and those certified to the Supreme Court.

<sup>2</sup> As a result of the recent transition to the new Appellate Court Records and Data System (ACORDS-II), measurement of resolution types and the various stages of pending caseload are not comparable to measurements for prior years. Extreme caution should be used in interpreting 2003 and future activity relative to that shown for prior years. In addition, it is not currently possible to distinguish types of 'other decisions terminating review'.

<sup>3</sup> Set for Oral Argument counts are influenced by procedural differences among divisions in setting cases. Division III, due to hearings in multiple locations, often delays the setting of cases until there are sufficient numbers to warrant travel, but cases are usually set only six weeks out.

<sup>4</sup> Includes Commissioners' Rulings and other resolution types.

<sup>5</sup> Percentages are not reported when numbers are small (less than 30).

The Court of Appeals  
History of Activity, All Reviews, Division I, 2000-2004

|   | 2000  | 2001  | % Chg <sup>4</sup> | 2002  | % Chg <sup>4</sup> | 2003  | % Chg <sup>4</sup> | 2004  | % Chg <sup>4</sup> |
|---|-------|-------|--------------------|-------|--------------------|-------|--------------------|-------|--------------------|
| <b>FILINGS</b>                            |       |       |                    |       |                    |       |                    |       |                    |
| New Filings                               | 1,960 | 1,810 | -7.7%              | 1,799 | -0.6%              | 1,906 | 5.9%               | 1,864 | -2.2%              |
| Transfers                                 | 44    | 50    | 13.6%              | 71    | 42.0%              | 51    | -28.2%             | 18    | . %                |
| Total Filings                             | 2,004 | 1,860 | -7.2%              | 1,870 | 0.5%               | 1,957 | 4.7%               | 1,882 | -3.8%              |
| <b>RESOLUTIONS</b>                        |       |       |                    |       |                    |       |                    |       |                    |
| Opinions Published                        | 206   | 246   | 19.4%              | 172   | -30.1%             | 137   | -20.3%             | 172   | 25.5%              |
| Opinions Unpublished                      | 708   | 715   | 1.0%               | 667   | -6.7%              | 685   | 2.7%               | 644   | -6.0%              |
| Opinions                                  | 914   | 961   | 5.1%               | 839   | -12.7%             | 822   | -2.0%              | 816   | -0.7%              |
| Motion on the Merits *                    | 213   | 138   | -35.2%             | 164   | 18.8%              | N/A   | . %                | N/A   | . %                |
| Other Rulings *                           | 32    | 45    | 40.6%              | 27    | . %                | N/A   | . %                | N/A   | . %                |
| Commissioners' Rulings *                  | 245   | 183   | -25.3%             | 191   | 4.4%               | N/A   | . %                | N/A   | . %                |
| Dismissed *                               | 723   | 717   | -0.8%              | 779   | 8.6%               | N/A   | . %                | N/A   | . %                |
| Transferred/Certified * <sup>1</sup>      | 5     | 11    | . %                | 2     | . %                | N/A   | . %                | N/A   | . %                |
| Review Not Accepted *                     | 89    | 111   | 24.7%              | 129   | 16.2%              | N/A   | . %                | N/A   | . %                |
| Other Terminations *                      | 25    | 15    | . %                | 15    | . %                | N/A   | . %                | N/A   | . %                |
| Other Decisions Term. Review <sup>2</sup> | 1,087 | 1,037 | -4.6%              | 1,116 | 7.6%               | 867   | -22.3%             | 920   | 6.1%               |
| Total Resolved                            | 2,001 | 1,998 | -0.1%              | 1,955 | -2.2%              | 1,689 | -13.6%             | 1,736 | 2.8%               |
| <b>PENDING AT YEAR END<sup>2</sup></b>    |       |       |                    |       |                    |       |                    |       |                    |
| Cases Stayed                              | 122   | 169   | 38.5%              | 147   | -13.0%             | 164   | 11.6%              | 153   | -6.7%              |
| Brief Not Filed                           | 894   | 819   | -8.4%              | 728   | -11.1%             | 701   | -3.7%              | 716   | 2.1%               |
| Appellant Brief Filed                     | 233   | 224   | -3.9%              | 216   | -3.6%              | 173   | -19.9%             | 161   | -6.9%              |
| Respondent Brief Filed                    | 419   | 381   | -9.1%              | 304   | -20.2%             | 452   | 48.7%              | 335   | -25.9%             |
| Remanded to Trial Court                   | 0     | 0     | . %                | 0     | . %                | 0     | . %                | 1     | . %                |
| Set for Commissioners' Calendar           | 0     | 0     | . %                | 0     | . %                | 2     | . %                | 4     | . %                |
| Ruling Refer to Panel *                   | 30    | 14    | . %                | 30    | . %                | N/A   | . %                | N/A   | . %                |
| Set for Oral Argument                     | 52    | 41    | -21.2%             | 58    | 41.5%              | 65    | 12.1%              | 99    | 52.3%              |
| Total Awaiting Hearing                    | 1,750 | 1,648 | -5.8%              | 1,483 | -10.0%             | 1,557 | 5.0%               | 1,473 | -5.4%              |
| Opinion/Order in Process                  | 110   | 60    | -45.5%             | 97    | 61.7%              | 131   | 35.1%              | 133   | 1.5%               |
| Total Pending Decision                    | 1,860 | 1,708 | -8.2%              | 1,580 | -7.5%              | 1,688 | 6.8%               | 1,606 | -4.9%              |
| <b>MANDATED</b>                           |       |       |                    |       |                    |       |                    |       |                    |
| Opinions                                  | 1,049 | 766   | -27.0%             | 991   | 29.4%              | 814   | -17.9%             | 780   | -4.2%              |
| Other <sup>3</sup>                        | 847   | 1,025 | 21.0%              | 1,343 | 31.0%              | 1,107 | -17.6%             | 1,049 | -5.2%              |
| Total Mandated                            | 1,896 | 1,791 | -5.5%              | 2,334 | 30.3%              | 1,921 | -17.7%             | 1,829 | -4.8%              |

\* Figures for these categories are reported only for years prior to 2003.

<sup>1</sup> Includes both matters transferred to other divisions and those certified to the Supreme Court.

<sup>2</sup> As a result of the recent transition to the new Appellate Court Records and Data System(ACORDS-II), measurement of resolution types and the various stages of pending caseload are not comparable to measurements for prior years. Extreme caution should be used in interpreting 2003 and future activity relative to that shown for prior years. In addition, it is not currently possible to distinguish types of 'other decisions terminating review'.

<sup>3</sup> Includes Commissioners' Rulings and other resolution types.

<sup>4</sup> Percentages are not reported when numbers are small (less than 30).

The Court of Appeals  
History of Activity, All Reviews, Division II, 2000-2004

|   | 2000  | 2001  | % Chg <sup>4</sup> | 2002  | % Chg <sup>4</sup> | 2003  | % Chg <sup>4</sup> | 2004  | % Chg <sup>4</sup> |
|---|-------|-------|--------------------|-------|--------------------|-------|--------------------|-------|--------------------|
| <b>FILINGS</b>                            |       |       |                    |       |                    |       |                    |       |                    |
| New Filings                               | 1,352 | 1,387 | 2.6%               | 1,521 | 9.7%               | 1,452 | -4.5%              | 1,468 | 1.1%               |
| Transfers                                 | 22    | 40    | . %                | 44    | 10.0%              | 0     | . %                | 0     | . %                |
| Total Filings                             | 1,374 | 1,427 | 3.9%               | 1,565 | 9.7%               | 1,452 | -7.2%              | 1,468 | 1.1%               |
| <b>RESOLUTIONS</b>                        |       |       |                    |       |                    |       |                    |       |                    |
| Opinions Published                        | 135   | 145   | 7.4%               | 141   | -2.8%              | 124   | -12.1%             | 130   | 4.8%               |
| Opinions Unpublished                      | 414   | 477   | 15.2%              | 470   | -1.5%              | 455   | -3.2%              | 423   | -7.0%              |
| Opinions                                  | 549   | 622   | 13.3%              | 611   | -1.8%              | 579   | -5.2%              | 553   | -4.5%              |
| Motion on the Merits *                    | 165   | 147   | -10.9%             | 168   | 14.3%              | N/A   | . %                | N/A   | . %                |
| Other Rulings *                           | 67    | 69    | 3.0%               | 42    | -39.1%             | N/A   | . %                | N/A   | . %                |
| Commissioners' Rulings *                  | 232   | 216   | -6.9%              | 210   | -2.8%              | N/A   | . %                | N/A   | . %                |
| Dismissed *                               | 469   | 456   | -2.8%              | 484   | 6.1%               | N/A   | . %                | N/A   | . %                |
| Transferred/Certified * <sup>1</sup>      | 4     | 6     | . %                | 4     | . %                | N/A   | . %                | N/A   | . %                |
| Review Not Accepted *                     | 74    | 89    | 20.3%              | 65    | -27.0%             | N/A   | . %                | N/A   | . %                |
| Other Terminations *                      | 6     | 7     | . %                | 31    | . %                | N/A   | . %                | N/A   | . %                |
| Other Decisions Term. Review <sup>2</sup> | 785   | 774   | -1.4%              | 794   | 2.6%               | 874   | 10.1%              | 824   | -5.7%              |
| Total Resolved                            | 1,334 | 1,396 | 4.6%               | 1,405 | 0.6%               | 1,453 | 3.4%               | 1,377 | -5.2%              |
| <b>PENDING AT YEAR END<sup>2</sup></b>    |       |       |                    |       |                    |       |                    |       |                    |
| Cases Stayed                              | 29    | 45    | . %                | 42    | -6.7%              | 48    | 14.3%              | 19    | . %                |
| Brief Not Filed                           | 645   | 685   | 6.2%               | 629   | -8.2%              | 575   | -8.6%              | 576   | 0.2%               |
| Appellant Brief Filed                     | 170   | 193   | 13.5%              | 179   | -7.3%              | 107   | -40.2%             | 153   | 43.0%              |
| Respondent Brief Filed                    | 324   | 269   | -17.0%             | 265   | -1.5%              | 422   | 59.2%              | 337   | -20.1%             |
| Remanded to Trial Court                   | 8     | 4     | . %                | 16    | . %                | 4     | . %                | 6     | . %                |
| Set for Commissioners' Calendar           | 9     | 3     | . %                | 0     | . %                | 29    | . %                | 30    | . %                |
| Ruling Refer to Panel *                   | 5     | 5     | . %                | 5     | . %                | N/A   | . %                | N/A   | . %                |
| Set for Oral Argument                     | 89    | 116   | 30.3%              | 59    | -49.1%             | 67    | 13.6%              | 68    | 1.5%               |
| Total Awaiting Hearing                    | 1,279 | 1,320 | 3.2%               | 1,195 | -9.5%              | 1,252 | 4.8%               | 1,189 | -5.0%              |
| Opinion/Order in Process                  | 102   | 99    | -2.9%              | 176   | 77.8%              | 135   | -23.3%             | 158   | 17.0%              |
| Total Pending Decision                    | 1,381 | 1,419 | 2.8%               | 1,371 | -3.4%              | 1,387 | 1.2%               | 1,347 | -2.9%              |
| <b>MANDATED</b>                           |       |       |                    |       |                    |       |                    |       |                    |
| Opinions                                  | 579   | 559   | -3.5%              | 598   | 7.0%               | 597   | -0.2%              | 571   | -4.4%              |
| Other <sup>3</sup>                        | 768   | 739   | -3.8%              | 848   | 14.7%              | 874   | 3.1%               | 917   | 4.9%               |
| Total Mandated                            | 1,347 | 1,298 | -3.6%              | 1,446 | 11.4%              | 1,471 | 1.7%               | 1,488 | 1.2%               |

\* Figures for these categories are reported only for years prior to 2003.

<sup>1</sup> Includes both matters transferred to other divisions and those certified to the Supreme Court.

<sup>2</sup> As a result of the recent transition to the new Appellate Court Records and Data System(ACORDS-II), measurement of resolution types and the various stages of pending caseload are not comparable to measurements for prior years. Extreme caution should be used in interpreting 2003 and future activity relative to that shown for prior years. In addition, it is not currently possible to distinguish types of 'other decisions terminating review'.

<sup>3</sup> Includes Commissioners' Rulings and other resolution types.

<sup>4</sup> Percentages are not reported when numbers are small (less than 30).

The Court of Appeals  
History of Activity, All Reviews, Division III, 2000-2004

|   | 2000 | 2001 | % Chg <sup>5</sup> | 2002 | % Chg <sup>5</sup> | 2003 | % Chg <sup>5</sup> | 2004  | % Chg <sup>5</sup> |
|---|------|------|--------------------|------|--------------------|------|--------------------|-------|--------------------|
| <b>FILINGS</b>                            |      |      |                    |      |                    |      |                    |       |                    |
| New Filings                               | 808  | 914  | 13.1%              | 915  | 0.1%               | 965  | 5.5%               | 1,033 | 7.0%               |
| Transfers                                 | 12   | 17   | . %                | 14   | . %                | 7    | . %                | 3     | . %                |
| Total Filings                             | 820  | 931  | 13.5%              | 929  | -0.2%              | 972  | 4.6%               | 1,036 | 6.6%               |
| <b>RESOLUTIONS</b>                        |      |      |                    |      |                    |      |                    |       |                    |
| Opinions Published                        | 125  | 140  | 12.0%              | 128  | -8.6%              | 113  | -11.7%             | 130   | 15.0%              |
| Opinions Unpublished                      | 280  | 238  | -15.0%             | 258  | 8.4%               | 321  | 24.4%              | 275   | -14.3%             |
| Opinions                                  | 405  | 378  | -6.7%              | 386  | 2.1%               | 434  | 12.4%              | 405   | -6.7%              |
| Motion on the Merits *                    | 165  | 152  | -7.9%              | 145  | -4.6%              | N/A  | . %                | N/A   | . %                |
| Other Rulings *                           | 1    | 1    | . %                | 0    | . %                | N/A  | . %                | N/A   | . %                |
| Commissioners' Rulings *                  | 166  | 153  | -7.8%              | 145  | -5.2%              | N/A  | . %                | N/A   | . %                |
| Dismissed *                               | 267  | 300  | 12.4%              | 312  | 4.0%               | N/A  | . %                | N/A   | . %                |
| Transferred/Certified * <sup>1</sup>      | 6    | 3    | . %                | 5    | . %                | N/A  | . %                | N/A   | . %                |
| Review Not Accepted *                     | 48   | 83   | 72.9%              | 67   | -19.3%             | N/A  | . %                | N/A   | . %                |
| Other Terminations *                      | 1    | 5    | . %                | 5    | . %                | N/A  | . %                | N/A   | . %                |
| Other Decisions Term. Review <sup>2</sup> | 488  | 544  | 11.5%              | 534  | -1.8%              | 478  | -10.5%             | 533   | 11.5%              |
| Total Resolved                            | 893  | 922  | 3.2%               | 920  | -0.2%              | 912  | -0.9%              | 938   | 2.9%               |
| <b>PENDING AT YEAR END<sup>2</sup></b>    |      |      |                    |      |                    |      |                    |       |                    |
| Cases Stayed                              | 26   | 19   | . %                | 31   | . %                | 40   | 29.0%              | 72    | 80.0%              |
| Brief Not Filed                           | 399  | 411  | 3.0%               | 399  | -2.9%              | 298  | -25.3%             | 325   | 9.1%               |
| Appellant Brief Filed                     | 122  | 122  | 0.0%               | 114  | -6.6%              | 70   | -38.6%             | 84    | 20.0%              |
| Respondent Brief Filed                    | 137  | 140  | 2.2%               | 147  | 5.0%               | 151  | 2.7%               | 134   | -11.3%             |
| Remanded to Trial Court                   | 4    | 6    | . %                | 6    | . %                | 1    | . %                | 6     | . %                |
| Set for Commissioners' Calendar           | 22   | 25   | . %                | 16   | . %                | 147  | . %                | 125   | -15.0%             |
| Ruling Refer to Panel *                   | 0    | 0    | . %                | 0    | . %                | N/A  | . %                | N/A   | . %                |
| Set for Oral Argument <sup>3</sup>        | 34   | 14   | . %                | 31   | . %                | 66   | 112.9%             | 62    | -6.1%              |
| Total Awaiting Hearing                    | 744  | 737  | -0.9%              | 744  | 0.9%               | 773  | 3.9%               | 808   | 4.5%               |
| Opinion/Order in Process                  | 56   | 67   | 19.6%              | 60   | -10.4%             | 52   | -13.3%             | 96    | 84.6%              |
| Total Pending Decision                    | 800  | 804  | 0.5%               | 804  | 0.0%               | 825  | 2.6%               | 904   | 9.6%               |
| <b>MANDATED</b>                           |      |      |                    |      |                    |      |                    |       |                    |
| Opinions                                  | 447  | 380  | -15.0%             | 385  | 1.3%               | 410  | 6.5%               | 389   | -5.1%              |
| Other <sup>4</sup>                        | 537  | 546  | 1.7%               | 504  | -7.7%              | 526  | 4.4%               | 504   | -4.2%              |
| Total Mandated                            | 984  | 926  | -5.9%              | 889  | -4.0%              | 936  | 5.3%               | 893   | -4.6%              |

\* Figures for these categories are reported only for years prior to 2003.

<sup>1</sup> Includes both matters transferred to other divisions and those certified to the Supreme Court.

<sup>2</sup> As a result of the recent transition to the new Appellate Court Records and Data System (ACORDS-II), measurement of resolution types and the various stages of pending caseload are not comparable to measurements for prior years. Extreme caution should be used in interpreting 2003 and future activity relative to that shown for prior years. In addition, it is not currently possible to distinguish types of 'other decisions terminating review'.

<sup>3</sup> Set for Oral Argument counts are influenced by procedural differences among divisions in setting cases. Division III, due to hearings in multiple locations, often delays the setting of cases until there are sufficient numbers to warrant travel, but cases are usually set only six weeks out.

<sup>4</sup> Includes Commissioners' Rulings and other resolution types.

<sup>5</sup> Percentages are not reported when numbers are small (less than 30).

The Court of Appeals  
Court Activity, All Divisions, Criminal Appeals, 2000-2004

|   | 2000  | 2001  | % Chg <sup>4</sup> | 2002  | % Chg <sup>4</sup> | 2003  | % Chg <sup>4</sup> | 2004  | % Chg <sup>4</sup> |
|---|-------|-------|--------------------|-------|--------------------|-------|--------------------|-------|--------------------|
| <b>FILINGS</b>                            |       |       |                    |       |                    |       |                    |       |                    |
| New Filings                               | 1,528 | 1,568 | 2.6%               | 1,695 | 8.1%               | 1,495 | -11.8%             | 1,490 | -0.3%              |
| Transfers                                 | 2     | 2     | . %                | 6     | . %                | 3     | . %                | 1     | . %                |
| Total Filings                             | 1,530 | 1,570 | 2.6%               | 1,701 | 8.3%               | 1,498 | -11.9%             | 1,491 | -0.5%              |
| <b>RESOLUTIONS</b>                        |       |       |                    |       |                    |       |                    |       |                    |
| Opinions Published                        | 165   | 192   | 16.4%              | 159   | -17.2%             | 142   | -10.7%             | 159   | 12.0%              |
| Opinions Unpublished                      | 848   | 831   | -2.0%              | 894   | 7.6%               | 928   | 3.8%               | 830   | -10.6%             |
| Opinions                                  | 1,013 | 1,023 | 1.0%               | 1,053 | 2.9%               | 1,070 | 1.6%               | 989   | -7.6%              |
| Motion on the Merits *                    | 359   | 252   | -29.8%             | 310   | 23.0%              | N/A   | . %                | N/A   | . %                |
| Other Rulings *                           | 73    | 78    | 6.8%               | 52    | -33.3%             | N/A   | . %                | N/A   | . %                |
| Commissioners' Rulings *                  | 432   | 330   | -23.6%             | 362   | 9.7%               | N/A   | . %                | N/A   | . %                |
| Dismissed *                               | 206   | 210   | 1.9%               | 251   | 19.5%              | N/A   | . %                | N/A   | . %                |
| Transferred/Certified * <sup>1</sup>      | 3     | 3     | . %                | 3     | . %                | N/A   | . %                | N/A   | . %                |
| Review Not Accepted *                     | 3     | 3     | . %                | 8     | . %                | N/A   | . %                | N/A   | . %                |
| Other Terminations *                      | 2     | 6     | . %                | 11    | . %                | N/A   | . %                | N/A   | . %                |
| Other Decisions Term. Review <sup>2</sup> | 646   | 552   | -14.6%             | 635   | 15.0%              | 518   | -18.4%             | 401   | -22.6%             |
| Total Resolved                            | 1,659 | 1,575 | -5.1%              | 1,688 | 7.2%               | 1,588 | -5.9%              | 1,390 | -12.5%             |
| <b>PENDING AT YEAR END<sup>2</sup></b>    |       |       |                    |       |                    |       |                    |       |                    |
| Cases Stayed                              | 63    | 101   | 60.3%              | 53    | -47.5%             | 32    | -39.6%             | 47    | 46.9%              |
| Brief Not Filed                           | 834   | 806   | -3.4%              | 789   | -2.1%              | 700   | -11.3%             | 714   | 2.0%               |
| Appellant Brief Filed                     | 302   | 357   | 18.2%              | 347   | -2.8%              | 229   | -34.0%             | 258   | 12.7%              |
| Respondent Brief Filed                    | 595   | 537   | -9.7%              | 489   | -8.9%              | 482   | -1.4%              | 346   | -28.2%             |
| Remanded to Trial Court                   | 8     | 7     | . %                | 16    | . %                | 4     | . %                | 8     | . %                |
| Set for Commissioners' Calendar           | 7     | 3     | . %                | 2     | . %                | 68    | . %                | 60    | -11.8%             |
| Ruling Refer to Panel *                   | 15    | 12    | . %                | 14    | . %                | N/A   | . %                | N/A   | . %                |
| Set for Oral Argument                     | 57    | 70    | 22.8%              | 50    | -28.6%             | 98    | 96.0%              | 107   | 9.2%               |
| Total Awaiting Hearing                    | 1,881 | 1,893 | 0.6%               | 1,760 | -7.0%              | 1,613 | -8.4%              | 1,543 | -4.3%              |
| Opinion/Order in Process                  | 108   | 90    | -16.7%             | 150   | 66.7%              | 141   | -6.0%              | 183   | 29.8%              |
| Total Pending Decision                    | 1,989 | 1,983 | -0.3%              | 1,910 | -3.7%              | 1,754 | -8.2%              | 1,726 | -1.6%              |
| <b>MANDATED</b>                           |       |       |                    |       |                    |       |                    |       |                    |
| Opinions                                  | 1,164 | 881   | -24.3%             | 1,117 | 26.8%              | 1,008 | -9.8%              | 965   | -4.3%              |
| Other <sup>3</sup>                        | 653   | 534   | -18.2%             | 659   | 23.4%              | 657   | -0.3%              | 510   | -22.4%             |
| Total Mandated                            | 1,817 | 1,415 | -22.1%             | 1,776 | 25.5%              | 1,665 | -6.3%              | 1,475 | -11.4%             |

\* Figures for these categories are reported only for years prior to 2003.

<sup>1</sup> Includes both matters transferred to other divisions and those certified to the Supreme Court.

<sup>2</sup> As a result of the recent transition to the new Appellate Court Records and Data System(ACORDS-II), measurement of resolution types and the various stages of pending caseload are not comparable to measurements for prior years. Extreme caution should be used in interpreting 2003 and future activity relative to that shown for prior years. In addition, it is not currently possible to distinguish types of 'other decisions terminating review'.

<sup>3</sup> Includes Commissioners' Rulings and other resolution types.

<sup>4</sup> Percentages are not reported when numbers are small (less than 30).

The Court of Appeals  
Court Activity, All Divisions, Civil Appeals, 2000-2004

|   | 2000  | 2001  | % Chg <sup>4</sup> | 2002  | % Chg <sup>4</sup> | 2003  | % Chg <sup>4</sup> | 2004  | % Chg <sup>4</sup> |
|---|-------|-------|--------------------|-------|--------------------|-------|--------------------|-------|--------------------|
| <b>FILINGS</b>                            |       |       |                    |       |                    |       |                    |       |                    |
| New Filings                               | 1,526 | 1,396 | -8.5%              | 1,428 | 2.3%               | 1,483 | 3.9%               | 1,365 | -8.0%              |
| Transfers                                 | 34    | 12    | . %                | 35    | . %                | 5     | . %                | 0     | . %                |
| Total Filings                             | 1,560 | 1,408 | -9.7%              | 1,463 | 3.9%               | 1,488 | 1.7%               | 1,365 | -8.3%              |
| <b>RESOLUTIONS</b>                        |       |       |                    |       |                    |       |                    |       |                    |
| Opinions Published                        | 260   | 280   | 7.7%               | 236   | -15.7%             | 204   | -13.6%             | 236   | 15.7%              |
| Opinions Unpublished                      | 491   | 531   | 8.1%               | 452   | -14.9%             | 467   | 3.3%               | 463   | -0.9%              |
| Opinions                                  | 751   | 811   | 8.0%               | 688   | -15.2%             | 671   | -2.5%              | 699   | 4.2%               |
| Motion on the Merits *                    | 184   | 181   | -1.6%              | 167   | -7.7%              | N/A   | . %                | N/A   | . %                |
| Other Rulings *                           | 26    | 37    | . %                | 17    | . %                | N/A   | . %                | N/A   | . %                |
| Commissioners' Rulings *                  | 210   | 218   | 3.8%               | 184   | -15.6%             | N/A   | . %                | N/A   | . %                |
| Dismissed *                               | 479   | 511   | 6.7%               | 543   | 6.3%               | N/A   | . %                | N/A   | . %                |
| Transferred/Certified * <sup>1</sup>      | 8     | 8     | . %                | 4     | . %                | N/A   | . %                | N/A   | . %                |
| Review Not Accepted *                     | 20    | 16    | . %                | 21    | . %                | N/A   | . %                | N/A   | . %                |
| Other Terminations *                      | 7     | 5     | . %                | 15    | . %                | N/A   | . %                | N/A   | . %                |
| Other Decisions Term. Review <sup>2</sup> | 724   | 758   | 4.7%               | 767   | 1.2%               | 589   | -23.2%             | 641   | 8.8%               |
| Total Resolved                            | 1,475 | 1,569 | 6.4%               | 1,455 | -7.3%              | 1,260 | -13.4%             | 1,340 | 6.3%               |
| <b>PENDING AT YEAR END<sup>2</sup></b>    |       |       |                    |       |                    |       |                    |       |                    |
| Cases Stayed                              | 55    | 64    | 16.4%              | 67    | 4.7%               | 45    | -32.8%             | 51    | 13.3%              |
| Brief Not Filed                           | 724   | 650   | -10.2%             | 593   | -8.8%              | 580   | -2.2%              | 509   | -12.2%             |
| Appellant Brief Filed                     | 202   | 161   | -20.3%             | 143   | -11.2%             | 110   | -23.1%             | 119   | 8.2%               |
| Respondent Brief Filed                    | 265   | 239   | -9.8%              | 212   | -11.3%             | 351   | 65.6%              | 263   | -25.1%             |
| Remanded to Trial Court                   | 2     | 3     | . %                | 2     | . %                | 0     | . %                | 3     | . %                |
| Set for Commissioners' Calendar           | 3     | 3     | . %                | 2     | . %                | 82    | . %                | 63    | -23.2%             |
| Ruling Refer to Panel *                   | 13    | 6     | . %                | 10    | . %                | N/A   | . %                | N/A   | . %                |
| Set for Oral Argument                     | 107   | 92    | -14.0%             | 82    | -10.9%             | 92    | 12.2%              | 112   | 21.7%              |
| Total Awaiting Hearing                    | 1,371 | 1,218 | -11.2%             | 1,111 | -8.8%              | 1,260 | 13.4%              | 1,120 | -11.1%             |
| Opinion/Order in Process                  | 149   | 128   | -14.1%             | 160   | 25.0%              | 156   | -2.5%              | 174   | 11.5%              |
| Total Pending Decision                    | 1,520 | 1,346 | -11.4%             | 1,271 | -5.6%              | 1,416 | 11.4%              | 1,294 | -8.6%              |
| <b>MANDATED</b>                           |       |       |                    |       |                    |       |                    |       |                    |
| Opinions                                  | 791   | 728   | -8.0%              | 746   | 2.5%               | 701   | -6.0%              | 689   | -1.7%              |
| Other <sup>3</sup>                        | 723   | 696   | -3.7%              | 797   | 14.5%              | 744   | -6.6%              | 731   | -1.7%              |
| Total Mandated                            | 1,514 | 1,424 | -5.9%              | 1,543 | 8.4%               | 1,445 | -6.4%              | 1,420 | -1.7%              |

\* Figures for these categories are reported only for years prior to 2003.

<sup>1</sup> Includes both matters transferred to other divisions and those certified to the Supreme Court.

<sup>2</sup> As a result of the recent transition to the new Appellate Court Records and Data System(ACORDS-II), measurement of resolution types and the various stages of pending caseload are not comparable to measurements for prior years. Extreme caution should be used in interpreting 2003 and future activity relative to that shown for prior years. In addition, it is not currently possible to distinguish types of 'other decisions terminating review'.

<sup>3</sup> Includes Commissioners' Rulings and other resolution types.

<sup>4</sup> Percentages are not reported when numbers are small (less than 30).

The Court of Appeals  
Court Activity, All Divisions, Total Appeals, 2000-2004

|   | 2000  | 2001  | % Chg <sup>4</sup> | 2002  | % Chg <sup>4</sup> | 2003  | % Chg <sup>4</sup> | 2004  | % Chg <sup>4</sup> |
|---|-------|-------|--------------------|-------|--------------------|-------|--------------------|-------|--------------------|
| <b>FILINGS</b>                            |       |       |                    |       |                    |       |                    |       |                    |
| New Filings                               | 3,054 | 2,964 | -2.9%              | 3,123 | 5.4%               | 2,978 | -4.6%              | 2,855 | -4.1%              |
| Transfers                                 | 36    | 14    | . %                | 41    | . %                | 8     | . %                | 1     | . %                |
| Total Filings                             | 3,090 | 2,978 | -3.6%              | 3,164 | 6.2%               | 2,986 | -5.6%              | 2,856 | -4.4%              |
| <b>RESOLUTIONS</b>                        |       |       |                    |       |                    |       |                    |       |                    |
| Opinions Published                        | 425   | 472   | 11.1%              | 395   | -16.3%             | 346   | -12.4%             | 395   | 14.2%              |
| Opinions Unpublished                      | 1,339 | 1,362 | 1.7%               | 1,346 | -1.2%              | 1,395 | 3.6%               | 1,293 | -7.3%              |
| Opinions                                  | 1,764 | 1,834 | 4.0%               | 1,741 | -5.1%              | 1,741 | 0.0%               | 1,688 | -3.0%              |
| Motion on the Merits *                    | 543   | 433   | -20.3%             | 477   | 10.2%              | N/A   | . %                | N/A   | . %                |
| Other Rulings *                           | 99    | 115   | 16.2%              | 69    | -40.0%             | N/A   | . %                | N/A   | . %                |
| Commissioners' Rulings *                  | 642   | 548   | -14.6%             | 546   | -0.4%              | N/A   | . %                | N/A   | . %                |
| Dismissed *                               | 685   | 721   | 5.3%               | 794   | 10.1%              | N/A   | . %                | N/A   | . %                |
| Transferred/Certified * <sup>1</sup>      | 11    | 11    | . %                | 7     | . %                | N/A   | . %                | N/A   | . %                |
| Review Not Accepted *                     | 23    | 19    | . %                | 29    | . %                | N/A   | . %                | N/A   | . %                |
| Other Terminations *                      | 9     | 11    | . %                | 26    | . %                | N/A   | . %                | N/A   | . %                |
| Other Decisions Term. Review <sup>2</sup> | 1,370 | 1,310 | -4.4%              | 1,402 | 7.0%               | 1,107 | -21.0%             | 1,042 | -5.9%              |
| Total Resolved                            | 3,134 | 3,144 | 0.3%               | 3,143 | 0.0%               | 2,848 | -9.4%              | 2,730 | -4.1%              |
| <b>PENDING AT YEAR END<sup>2</sup></b>    |       |       |                    |       |                    |       |                    |       |                    |
| Cases Stayed                              | 118   | 165   | 39.8%              | 120   | -27.3%             | 77    | -35.8%             | 98    | 27.3%              |
| Brief Not Filed                           | 1,558 | 1,456 | -6.5%              | 1,382 | -5.1%              | 1,280 | -7.4%              | 1,223 | -4.5%              |
| Appellant Brief Filed                     | 504   | 518   | 2.8%               | 490   | -5.4%              | 339   | -30.8%             | 377   | 11.2%              |
| Respondent Brief Filed                    | 860   | 776   | -9.8%              | 701   | -9.7%              | 833   | 18.8%              | 609   | -26.9%             |
| Remanded to Trial Court                   | 10    | 10    | . %                | 18    | . %                | 4     | . %                | 11    | . %                |
| Set for Commissioners' Calendar           | 10    | 6     | . %                | 4     | . %                | 150   | . %                | 123   | -18.0%             |
| Ruling Refer to Panel *                   | 28    | 18    | . %                | 24    | . %                | N/A   | . %                | N/A   | . %                |
| Set for Oral Argument                     | 164   | 162   | -1.2%              | 132   | -18.5%             | 190   | 43.9%              | 219   | 15.3%              |
| Total Awaiting Hearing                    | 3,252 | 3,111 | -4.3%              | 2,871 | -7.7%              | 2,873 | 0.1%               | 2,663 | -7.3%              |
| Opinion/Order in Process                  | 257   | 218   | -15.2%             | 310   | 42.2%              | 297   | -4.2%              | 357   | 20.2%              |
| Total Pending Decision                    | 3,509 | 3,329 | -5.1%              | 3,181 | -4.4%              | 3,170 | -0.3%              | 3,020 | -4.7%              |
| <b>MANDATED</b>                           |       |       |                    |       |                    |       |                    |       |                    |
| Opinions                                  | 1,955 | 1,609 | -17.7%             | 1,863 | 15.8%              | 1,709 | -8.3%              | 1,654 | -3.2%              |
| Other <sup>3</sup>                        | 1,376 | 1,230 | -10.6%             | 1,456 | 18.4%              | 1,401 | -3.8%              | 1,241 | -11.4%             |
| Total Mandated                            | 3,331 | 2,839 | -14.8%             | 3,319 | 16.9%              | 3,110 | -6.3%              | 2,895 | -6.9%              |

\* Figures for these categories are reported only for years prior to 2003.

<sup>1</sup> Includes both matters transferred to other divisions and those certified to the Supreme Court.

<sup>2</sup> As a result of the recent transition to the new Appellate Court Records and Data System(ACORDS-II), measurement of resolution types and the various stages of pending caseload are not comparable to measurements for prior years. Extreme caution should be used in interpreting 2003 and future activity relative to that shown for prior years. In addition, it is not currently possible to distinguish types of 'other decisions terminating review'.

<sup>3</sup> Includes Commissioners' Rulings and other resolution types.

<sup>4</sup> Percentages are not reported when numbers are small (less than 30).

The Court of Appeals  
Court Activity, All Divisions, Personal Restraint Petitions, 2000-2004

|   | 2000 | 2001 | % Chg <sup>4</sup> | 2002 | % Chg <sup>4</sup> | 2003  | % Chg <sup>4</sup> | 2004  | % Chg <sup>4</sup> |
|---|------|------|--------------------|------|--------------------|-------|--------------------|-------|--------------------|
| <b>FILINGS</b>                            |      |      |                    |      |                    |       |                    |       |                    |
| New Filings                               | 677  | 702  | 3.7%               | 715  | 1.9%               | 956   | 33.7%              | 1,076 | 12.6%              |
| Transfers                                 | 39   | 90   | 130.8%             | 86   | -4.4%              | 50    | -41.9%             | 20    | . %                |
| Total Filings                             | 716  | 792  | 10.6%              | 801  | 1.1%               | 1,006 | 25.6%              | 1,096 | 8.9%               |
| <b>RESOLUTIONS</b>                        |      |      |                    |      |                    |       |                    |       |                    |
| Opinions Published                        | 9    | 11   | . %                | 8    | . %                | 9     | . %                | 10    | . %                |
| Opinions Unpublished                      | 42   | 36   | -14.3%             | 30   | -16.7%             | 32    | 6.7%               | 35    | 9.4%               |
| Opinions                                  | 51   | 47   | -7.8%              | 38   | -19.1%             | 41    | 7.9%               | 45    | 9.8%               |
| Motion on the Merits *                    | 0    | 3    | . %                | 0    | . %                | N/A   | . %                | N/A   | . %                |
| Other Rulings *                           | 1    | 0    | . %                | 0    | . %                | N/A   | . %                | N/A   | . %                |
| Commissioners' Rulings *                  | 1    | 3    | . %                | 0    | . %                | N/A   | . %                | N/A   | . %                |
| Dismissed *                               | 689  | 655  | -4.9%              | 672  | 2.6%               | N/A   | . %                | N/A   | . %                |
| Transferred/Certified * <sup>1</sup>      | 2    | 4    | . %                | 2    | . %                | N/A   | . %                | N/A   | . %                |
| Review Not Accepted *                     | 0    | 0    | . %                | 0    | . %                | N/A   | . %                | N/A   | . %                |
| Other Terminations *                      | 5    | 3    | . %                | 15   | . %                | N/A   | . %                | N/A   | . %                |
| Other Decisions Term. Review <sup>2</sup> | 697  | 665  | -4.6%              | 689  | 3.6%               | 813   | 18.0%              | 926   | 13.9%              |
| Total Resolved                            | 748  | 712  | -4.8%              | 727  | 2.1%               | 854   | 17.5%              | 971   | 13.7%              |
| <b>PENDING AT YEAR END<sup>2</sup></b>    |      |      |                    |      |                    |       |                    |       |                    |
| Cases Stayed                              | 49   | 55   | 12.2%              | 77   | 40.0%              | 157   | 103.9%             | 125   | -20.4%             |
| Brief Not Filed                           | 231  | 310  | 34.2%              | 275  | -11.3%             | 189   | -31.3%             | 279   | 47.6%              |
| Appellant Brief Filed                     | 4    | 10   | . %                | 6    | . %                | 4     | . %                | 13    | . %                |
| Respondent Brief Filed                    | 1    | 3    | . %                | 2    | . %                | 168   | . %                | 175   | 4.2%               |
| Remanded to Trial Court                   | 1    | 0    | . %                | 0    | . %                | 1     | . %                | 1     | . %                |
| Set for Commissioners' Calendar           | 0    | 0    | . %                | 0    | . %                | 8     | . %                | 4     | . %                |
| Ruling Refer to Panel *                   | 6    | 0    | . %                | 6    | . %                | N/A   | . %                | N/A   | . %                |
| Set for Oral Argument                     | 2    | 2    | . %                | 9    | . %                | 4     | . %                | 3     | . %                |
| Total Awaiting Hearing                    | 294  | 380  | 29.3%              | 375  | -1.3%              | 531   | 41.6%              | 601   | 13.2%              |
| Opinion/Order in Process                  | 4    | 1    | . %                | 12   | . %                | 15    | . %                | 10    | . %                |
| Total Pending Decision                    | 298  | 381  | 27.9%              | 387  | 1.6%               | 546   | 41.1%              | 611   | 11.9%              |
| <b>MANDATED</b>                           |      |      |                    |      |                    |       |                    |       |                    |
| Opinions                                  | 54   | 41   | -24.1%             | 41   | 0.0%               | 43    | 4.9%               | 37    | -14.0%             |
| Other <sup>3</sup>                        | 510  | 740  | 45.1%              | 803  | 8.5%               | 744   | -7.3%              | 893   | 20.0%              |
| Total Mandated                            | 564  | 781  | 38.5%              | 844  | 8.1%               | 787   | -6.8%              | 930   | 18.2%              |

\* Figures for these categories are reported only for years prior to 2003.

<sup>1</sup> Includes both matters transferred to other divisions and those certified to the Supreme Court.

<sup>2</sup> As a result of the recent transition to the new Appellate Court Records and Data System(ACORDS-II), measurement of resolution types and the various stages of pending caseload are not comparable to measurements for prior years. Extreme caution should be used in interpreting 2003 and future activity relative to that shown for prior years. In addition, it is not currently possible to distinguish types of 'other decisions terminating review'.

<sup>3</sup> Includes Commissioners' Rulings and other resolution types.

<sup>4</sup> Percentages are not reported when numbers are small (less than 30).

The Court of Appeals  
Court Activity, All Divisions, Notices of Discretionary Review, 2000-2004

|   | 2000 | 2001 | % Chg <sup>4</sup> | 2002 | % Chg <sup>4</sup> | 2003 | % Chg <sup>4</sup> | 2004 | % Chg <sup>4</sup> |
|---|------|------|--------------------|------|--------------------|------|--------------------|------|--------------------|
| <b>FILINGS</b>                            |      |      |                    |      |                    |      |                    |      |                    |
| New Filings                               | 389  | 445  | 14.4%              | 397  | -10.8%             | 389  | -2.0%              | 434  | 11.6%              |
| Transfers                                 | 3    | 3    | . %                | 2    | . %                | 0    | . %                | 0    | . %                |
| Total Filings                             | 392  | 448  | 14.3%              | 399  | -10.9%             | 389  | -2.5%              | 434  | 11.6%              |
| <b>RESOLUTIONS</b>                        |      |      |                    |      |                    |      |                    |      |                    |
| Opinions Published                        | 32   | 48   | 50.0%              | 38   | -20.8%             | 19   | . %                | 27   | . %                |
| Opinions Unpublished                      | 21   | 32   | . %                | 19   | . %                | 34   | . %                | 14   | . %                |
| Opinions                                  | 53   | 80   | 50.9%              | 57   | -28.8%             | 53   | -7.0%              | 41   | -22.6%             |
| Motion on the Merits *                    | 0    | 1    | . %                | 0    | . %                | N/A  | . %                | N/A  | . %                |
| Other Rulings *                           | 0    | 0    | . %                | 0    | . %                | N/A  | . %                | N/A  | . %                |
| Commissioners' Rulings *                  | 0    | 1    | . %                | 0    | . %                | N/A  | . %                | N/A  | . %                |
| Dismissed *                               | 85   | 97   | 14.1%              | 109  | 12.4%              | N/A  | . %                | N/A  | . %                |
| Transferred/Certified * <sup>1</sup>      | 2    | 5    | . %                | 2    | . %                | N/A  | . %                | N/A  | . %                |
| Review Not Accepted *                     | 188  | 264  | 40.4%              | 232  | -12.1%             | N/A  | . %                | N/A  | . %                |
| Other Terminations *                      | 18   | 13   | . %                | 10   | . %                | N/A  | . %                | N/A  | . %                |
| Other Decisions Term. Review <sup>2</sup> | 293  | 380  | 29.7%              | 353  | -7.1%              | 299  | -15.3%             | 309  | 3.3%               |
| Total Resolved                            | 346  | 460  | 32.9%              | 410  | -10.9%             | 352  | -14.1%             | 350  | -0.6%              |
| <b>PENDING AT YEAR END<sup>2</sup></b>    |      |      |                    |      |                    |      |                    |      |                    |
| Cases Stayed                              | 10   | 13   | . %                | 23   | . %                | 18   | . %                | 21   | . %                |
| Brief Not Filed                           | 149  | 149  | 0.0%               | 99   | -33.6%             | 105  | 6.1%               | 115  | 9.5%               |
| Appellant Brief Filed                     | 17   | 11   | . %                | 13   | . %                | 7    | . %                | 8    | . %                |
| Respondent Brief Filed                    | 19   | 11   | . %                | 13   | . %                | 24   | . %                | 22   | . %                |
| Remanded to Trial Court                   | 1    | 0    | . %                | 4    | . %                | 0    | . %                | 1    | . %                |
| Set for Commissioners' Calendar           | 21   | 22   | . %                | 12   | . %                | 20   | . %                | 32   | . %                |
| Ruling Refer to Panel *                   | 1    | 1    | . %                | 5    | . %                | N/A  | . %                | N/A  | . %                |
| Set for Oral Argument                     | 9    | 7    | . %                | 7    | . %                | 4    | . %                | 7    | . %                |
| Total Awaiting Hearing                    | 227  | 214  | -5.7%              | 176  | -17.8%             | 178  | 1.1%               | 206  | 15.7%              |
| Opinion/Order in Process                  | 7    | 7    | . %                | 11   | . %                | 6    | . %                | 20   | . %                |
| Total Pending Decision                    | 234  | 221  | -5.6%              | 187  | -15.4%             | 184  | -1.6%              | 226  | 22.8%              |
| <b>MANDATED</b>                           |      |      |                    |      |                    |      |                    |      |                    |
| Opinions                                  | 66   | 55   | -16.7%             | 70   | 27.3%              | 69   | -1.4%              | 49   | -29.0%             |
| Other <sup>3</sup>                        | 266  | 340  | 27.8%              | 436  | 28.2%              | 362  | -17.0%             | 336  | -7.2%              |
| Total Mandated                            | 332  | 395  | 19.0%              | 506  | 28.1%              | 431  | -14.8%             | 385  | -10.7%             |

\* Figures for these categories are reported only for years prior to 2003.

<sup>1</sup> Includes both matters transferred to other divisions and those certified to the Supreme Court.

<sup>2</sup> As a result of the recent transition to the new Appellate Court Records and Data System(ACORDS-II), measurement of resolution types and the various stages of pending caseload are not comparable to measurements for prior years. Extreme caution should be used in interpreting 2003 and future activity relative to that shown for prior years. In addition, it is not currently possible to distinguish types of 'other decisions terminating review'.

<sup>3</sup> Includes Commissioners' Rulings and other resolution types.

<sup>4</sup> Percentages are not reported when numbers are small (less than 30).

The Court of Appeals

Days Between Events for Criminal Appeals PENDING OR DISPOSED OF BY OPINION -- 75th Percentile<sup>1</sup>, 2000-2004

|   | 2000 | 2001 | % Chg  | 2002 | % Chg  | 2003 | % Chg  | 2004 | % Chg  |
|---|------|------|--------|------|--------|------|--------|------|--------|
| <b>DIVISION I</b>                               |      |      |        |      |        |      |        |      |        |
| Filing - Comp. of Record                        | 146  | 157  | 7.5%   | 158  | 0.3%   | 152  | -3.5%  | 155  | 1.6%   |
| Filing - Stmt. of Arrgmts.                      | 73   | 77   | 5.5%   | 74   | -3.9%  | 69   | -6.8%  | 64   | -7.2%  |
| Stmt. of Arrgmts. - Comp. of Record             | 77   | 84   | 9.1%   | 83   | -1.2%  | 85   | 2.4%   | 91   | 7.1%   |
| Comp. of Record - App. Brief                    | 69   | 75   | 8.7%   | 78   | 4.0%   | 83   | 5.8%   | 80   | -3.0%  |
| App. Brief - Ready                              | 100  | 106  | 6.0%   | 106  | 0.0%   | 102  | -3.8%  | 96   | -5.9%  |
| Ready - Opinion                                 | 246  | 264  | 7.3%   | 217  | -18.0% | 244  | 12.7%  | 245  | 0.4%   |
| Filing - Opinion, Division I <sup>2</sup>       | 564  | 622  | 10.3%  | 526  | -15.4% | 551  | 4.8%   | 537  | -2.5%  |
| <b>DIVISION II</b>                              |      |      |        |      |        |      |        |      |        |
| Filing - Comp. of Record                        | 128  | 135  | 5.5%   | 133  | -1.5%  | 136  | 1.9%   | 132  | -3.0%  |
| Filing - Stmt. of Arrgmts.                      | 68   | 69   | 1.5%   | 63   | -8.7%  | 59   | -6.3%  | 53   | -10.2% |
| Stmt. of Arrgmts. - Comp. of Record             | 69   | 69   | 0.0%   | 71   | 2.9%   | 77   | 8.5%   | 83   | 7.8%   |
| Comp. of Record - App. Brief                    | 102  | 108  | 5.9%   | 109  | 0.9%   | 108  | -0.9%  | 105  | -2.8%  |
| App. Brief - Ready                              | 139  | 144  | 3.6%   | 140  | -3.1%  | 131  | -6.1%  | 114  | -13.0% |
| Ready - Opinion                                 | 319  | 325  | 1.9%   | 283  | -13.1% | 278  | -1.6%  | 274  | -1.4%  |
| Filing - Opinion, Division II <sup>2</sup>      | 708  | 703  | -0.7%  | 639  | -9.1%  | 617  | -3.5%  | 592  | -4.0%  |
| <b>DIVISION III</b>                             |      |      |        |      |        |      |        |      |        |
| Filing - Comp. of Record                        | 122  | 126  | 3.3%   | 129  | 2.4%   | 132  | 2.3%   | 125  | -5.3%  |
| Filing - Stmt. of Arrgmts.                      | 55   | 56   | 1.8%   | 52   | -7.1%  | 47   | -9.6%  | 44   | -6.4%  |
| Stmt. of Arrgmts. - Comp. of Record             | 81   | 78   | -3.7%  | 78   | 0.0%   | 84   | 7.7%   | 89   | 6.0%   |
| Comp. of Record - App. Brief                    | 91   | 98   | 7.7%   | 95   | -3.1%  | 90   | -5.8%  | 82   | -8.4%  |
| App. Brief - Ready                              | 137  | 138  | 0.7%   | 150  | 8.7%   | 122  | -18.7% | 96   | -21.3% |
| Ready - Opinion                                 | 242  | 213  | -12.0% | 189  | -11.3% | 194  | 2.6%   | 236  | 21.6%  |
| Filing - Opinion, Division III <sup>2</sup>     | 668  | 609  | -8.8%  | 524  | -14.0% | 532  | 1.5%   | 532  | 0.0%   |
| <b>COURT OF APPEALS, TOTAL</b>                  |      |      |        |      |        |      |        |      |        |
| Filing - Comp. of Record                        | 134  | 144  | 7.5%   | 144  | 0.0%   | 142  | -1.4%  | 142  | 0.0%   |
| Filing - Stmt. of Arrgmts.                      | 69   | 71   | 2.9%   | 67   | -5.6%  | 62   | -7.5%  | 58   | -6.5%  |
| Stmt. of Arrgmts. - Comp. of Record             | 75   | 77   | 2.7%   | 77   | 0.0%   | 82   | 6.5%   | 88   | 7.3%   |
| Comp. of Record - App. Brief                    | 89   | 96   | 7.9%   | 95   | -1.0%  | 96   | 1.1%   | 91   | -5.2%  |
| App. Brief - Ready                              | 122  | 129  | 6.2%   | 126  | -2.3%  | 116  | -7.9%  | 103  | -11.2% |
| Ready - Opinion                                 | 291  | 284  | -2.4%  | 240  | -15.5% | 238  | -0.8%  | 253  | 6.3%   |
| Filing - Opinion, Court of Appeals <sup>2</sup> | 637  | 648  | 1.7%   | 574  | -11.4% | 573  | -0.2%  | 556  | -3.0%  |

<sup>1</sup> Days to reach the 75th percentile for the full period (filing to opinion) do not necessarily equal the sum of the days for the event categories within that period.

<sup>2</sup> Time-in-process figures for 2002 have been updated to reflect a full twelve months' data for all divisions with the completion of statewide conversion to the new Appellate Court Records and Data System (ACORDS-II). Division II's measurements in the 2002 publication were based on the period 1/01/2002 through 11/17/2002 from the old ACORDS system, prior to their 11/18/2002 implementation of ACORDS-II. This update achieved comparability with the other divisions, which implemented in early 2003.

## The Court of Appeals

Days Between Events for Civil Appeals PENDING OR DISPOSED OF BY OPINION -- 75th Percentile<sup>1</sup>, 2000-2004

|   | 2000 | 2001 | % Chg  | 2002 | % Chg  | 2003 | % Chg  | 2004 | % Chg  |
|---|------|------|--------|------|--------|------|--------|------|--------|
| <b>DIVISION I</b>                               |      |      |        |      |        |      |        |      |        |
| Filing - Comp. of Record                        | 138  | 139  | 0.7%   | 112  | -19.8% | 115  | 3.1%   | 127  | 10.4%  |
| Filing - Stmt. of Arrgmts.                      | 71   | 71   | 0.0%   | 68   | -4.2%  | 63   | -7.4%  | 57   | -9.5%  |
| Stmt. of Arrgmts. - Comp. of Record             | 77   | 90   | 16.2%  | 87   | -2.8%  | 92   | 5.7%   | 90   | -2.2%  |
| Comp. of Record - App. Brief                    | 88   | 94   | 6.8%   | 99   | 4.8%   | 96   | -2.5%  | 89   | -7.3%  |
| App. Brief - Ready                              | 77   | 80   | 3.9%   | 84   | 5.0%   | 81   | -3.6%  | 80   | -1.2%  |
| Ready - Opinion                                 | 305  | 270  | -11.6% | 263  | -2.6%  | 292  | 11.0%  | 308  | 5.7%   |
| Filing - Opinion, Division I <sup>2</sup>       | 553  | 522  | -5.7%  | 510  | -2.2%  | 529  | 3.7%   | 538  | 1.7%   |
| <b>DIVISION II</b>                              |      |      |        |      |        |      |        |      |        |
| Filing - Comp. of Record                        | 113  | 114  | 0.9%   | 112  | -1.8%  | 108  | -3.6%  | 107  | -0.9%  |
| Filing - Stmt. of Arrgmts.                      | 71   | 73   | 2.8%   | 71   | -2.7%  | 62   | -12.7% | 53   | -14.5% |
| Stmt. of Arrgmts. - Comp. of Record             | 60   | 60   | 0.0%   | 60   | 0.0%   | 67   | 11.7%  | 71   | 6.0%   |
| Comp. of Record - App. Brief                    | 94   | 100  | 6.4%   | 100  | 0.0%   | 90   | -10.0% | 87   | -3.3%  |
| App. Brief - Ready                              | 72   | 80   | 11.1%  | 76   | -5.0%  | 75   | -1.3%  | 78   | 4.0%   |
| Ready - Opinion                                 | 352  | 339  | -3.7%  | 339  | 0.0%   | 350  | 3.2%   | 303  | -13.4% |
| Filing - Opinion, Division II <sup>2</sup>      | 617  | 586  | -5.0%  | 570  | -2.8%  | 578  | 1.5%   | 544  | -5.9%  |
| <b>DIVISION III</b>                             |      |      |        |      |        |      |        |      |        |
| Filing - Comp. of Record                        | 120  | 123  | 2.5%   | 112  | -8.9%  | 115  | 2.7%   | 111  | -3.5%  |
| Filing - Stmt. of Arrgmts.                      | 70   | 60   | -14.3% | 59   | -1.7%  | 55   | -6.8%  | 48   | -12.7% |
| Stmt. of Arrgmts. - Comp. of Record             | 76   | 76   | 0.0%   | 69   | -9.2%  | 78   | 13.0%  | 88   | 12.8%  |
| Comp. of Record - App. Brief                    | 91   | 98   | 7.7%   | 101  | 3.1%   | 86   | -14.9% | 76   | -11.6% |
| App. Brief - Ready                              | 75   | 106  | 41.3%  | 116  | 9.0%   | 101  | -12.6% | 98   | -3.0%  |
| Ready - Opinion                                 | 239  | 224  | -6.3%  | 204  | -8.9%  | 199  | -2.5%  | 239  | 20.1%  |
| Filing - Opinion, Division III <sup>2</sup>     | 523  | 518  | -0.9%  | 517  | -0.2%  | 496  | -4.1%  | 508  | 2.4%   |
| <b>COURT OF APPEALS, TOTAL</b>                  |      |      |        |      |        |      |        |      |        |
| Filing - Comp. of Record                        | 122  | 125  | 2.5%   | 112  | -10.4% | 112  | 0.0%   | 118  | 5.4%   |
| Filing - Stmt. of Arrgmts.                      | 70   | 70   | 0.0%   | 67   | -4.3%  | 61   | -9.0%  | 55   | -9.8%  |
| Stmt. of Arrgmts. - Comp. of Record             | 70   | 73   | 4.3%   | 70   | -4.1%  | 77   | 10.0%  | 81   | 5.2%   |
| Comp. of Record - App. Brief                    | 91   | 98   | 7.7%   | 100  | 2.0%   | 92   | -8.0%  | 84   | -8.7%  |
| App. Brief - Ready                              | 76   | 84   | 10.5%  | 91   | 8.3%   | 83   | -8.8%  | 82   | -1.2%  |
| Ready - Opinion                                 | 315  | 284  | -9.8%  | 270  | -4.9%  | 294  | 8.9%   | 295  | 0.3%   |
| Filing - Opinion, Court of Appeals <sup>2</sup> | 570  | 546  | -4.2%  | 535  | -2.0%  | 542  | 1.3%   | 534  | -1.5%  |

<sup>1</sup> Days to reach the 75th percentile for the full period (filing to opinion) do not necessarily equal the sum of the days for the event categories within that period.

<sup>2</sup> Time-in-process figures for 2002 have been updated to reflect a full twelve months' data for all divisions with the completion of statewide conversion to the new Appellate Court Records and Data System (ACORDS-II). Division II's measurements in the 2002 publication were based on the period 1/01/2002 through 11/17/2002 from the old ACORDS system, prior to their 11/18/2002 implementation of ACORDS-II. This update achieved comparability with the other divisions, which implemented in early 2003.

## The Court of Appeals

Days Between Events for Total Appeals PENDING OR DISPOSED OF BY OPINION -- 75th Percentile<sup>1</sup>, 2000-2004

|   | 2000 | 2001 | % Chg | 2002 | % Chg  | 2003 | % Chg  | 2004 | % Chg  |
|---|------|------|-------|------|--------|------|--------|------|--------|
| <b>DIVISION I</b>                               |      |      |       |      |        |      |        |      |        |
| Filing - Comp. of Record                        | 143  | 152  | 6.3%  | 145  | -4.6%  | 142  | -2.1%  | 146  | 2.8%   |
| Filing - Stmt. of Arrgmts.                      | 72   | 76   | 5.6%  | 73   | -3.9%  | 66   | -9.6%  | 62   | -6.1%  |
| Stmt. of Arrgmts. - Comp. of Record             | 77   | 85   | 10.4% | 83   | -2.4%  | 87   | 4.8%   | 91   | 4.6%   |
| Comp. of Record - App. Brief                    | 77   | 83   | 7.8%  | 87   | 4.8%   | 89   | 2.3%   | 85   | -4.5%  |
| App. Brief - Ready                              | 92   | 97   | 5.4%  | 99   | 2.1%   | 96   | -3.0%  | 91   | -5.2%  |
| Ready - Opinion                                 | 287  | 265  | -7.7% | 235  | -11.3% | 264  | 12.3%  | 281  | 6.4%   |
| Filing - Opinion, Division I <sup>2</sup>       | 560  | 572  | 2.1%  | 522  | -8.7%  | 539  | 3.3%   | 537  | -0.4%  |
| <b>DIVISION II</b>                              |      |      |       |      |        |      |        |      |        |
| Filing - Comp. of Record                        | 125  | 129  | 3.2%  | 128  | -0.8%  | 128  | 0.0%   | 124  | -3.1%  |
| Filing - Stmt. of Arrgmts.                      | 69   | 70   | 1.4%  | 66   | -5.7%  | 60   | -9.1%  | 53   | -11.7% |
| Stmt. of Arrgmts. - Comp. of Record             | 67   | 67   | 0.0%  | 69   | 3.0%   | 74   | 7.2%   | 79   | 6.8%   |
| Comp. of Record - App. Brief                    | 99   | 106  | 7.1%  | 106  | 0.0%   | 104  | -1.9%  | 98   | -5.8%  |
| App. Brief - Ready                              | 115  | 124  | 7.4%  | 117  | -5.3%  | 112  | -4.3%  | 103  | -8.0%  |
| Ready - Opinion                                 | 331  | 331  | 0.2%  | 302  | -8.8%  | 315  | 4.3%   | 288  | -8.6%  |
| Filing - Opinion, Division II <sup>2</sup>      | 665  | 658  | -1.1% | 612  | -7.0%  | 601  | -1.8%  | 574  | -4.5%  |
| <b>DIVISION III</b>                             |      |      |       |      |        |      |        |      |        |
| Filing - Comp. of Record                        | 121  | 126  | 4.1%  | 122  | -3.2%  | 126  | 3.3%   | 122  | -3.2%  |
| Filing - Stmt. of Arrgmts.                      | 58   | 58   | 0.0%  | 55   | -5.2%  | 48   | -12.7% | 45   | -6.3%  |
| Stmt. of Arrgmts. - Comp. of Record             | 78   | 78   | 0.0%  | 76   | -2.6%  | 84   | 9.9%   | 89   | 6.6%   |
| Comp. of Record - App. Brief                    | 91   | 98   | 7.7%  | 97   | -1.0%  | 89   | -8.2%  | 78   | -12.4% |
| App. Brief - Ready                              | 111  | 131  | 18.0% | 134  | 2.3%   | 116  | -13.4% | 97   | -16.4% |
| Ready - Opinion                                 | 240  | 220  | -8.1% | 194  | -11.8% | 196  | 1.0%   | 237  | 20.9%  |
| Filing - Opinion, Division III <sup>2</sup>     | 593  | 573  | -3.5% | 522  | -8.9%  | 525  | 0.7%   | 525  | 0.0%   |
| <b>COURT OF APPEALS, TOTAL</b>                  |      |      |       |      |        |      |        |      |        |
| Filing - Comp. of Record                        | 132  | 139  | 5.3%  | 133  | -4.3%  | 133  | 0.0%   | 134  | 0.8%   |
| Filing - Stmt. of Arrgmts.                      | 69   | 71   | 2.9%  | 67   | -5.6%  | 62   | -7.5%  | 57   | -8.1%  |
| Stmt. of Arrgmts. - Comp. of Record             | 73   | 76   | 4.1%  | 76   | 0.0%   | 81   | 6.6%   | 86   | 6.2%   |
| Comp. of Record - App. Brief                    | 90   | 97   | 7.8%  | 97   | 0.0%   | 93   | -4.1%  | 89   | -4.3%  |
| App. Brief - Ready                              | 101  | 113  | 11.9% | 112  | -0.9%  | 104  | -7.1%  | 96   | -7.7%  |
| Ready - Opinion                                 | 301  | 284  | -5.6% | 253  | -10.9% | 258  | 1.8%   | 272  | 5.4%   |
| Filing - Opinion, Court of Appeals <sup>2</sup> | 608  | 608  | 0.0%  | 556  | -8.6%  | 561  | 0.9%   | 546  | -2.7%  |

<sup>1</sup> Days to reach the 75th percentile for the full period (filing to opinion) do not necessarily equal the sum of the days for the event categories within that period.

<sup>2</sup> Time-in-process figures for 2002 have been updated to reflect a full twelve months' data for all divisions with the completion of statewide conversion to the new Appellate Court Records and Data System (ACORDS-II). Division II's measurements in the 2002 publication were based on the period 1/01/2002 through 11/17/2002 from the old ACORDS system, prior to their 11/18/2002 implementation of ACORDS-II. This update achieved comparability with the other divisions, which implemented in early 2003.